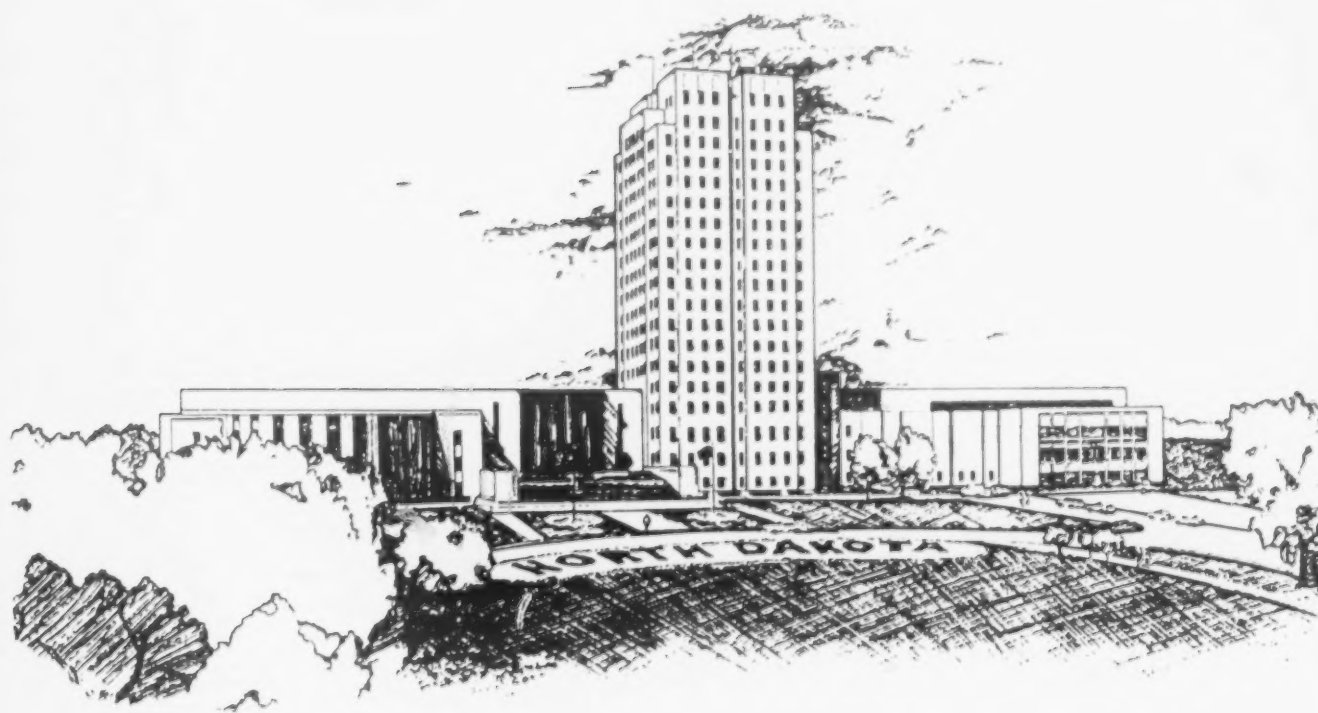


ANNUAL REPORT OF THE
**NORTH DAKOTA
JUDICIAL SYSTEM**

Calendar Year 1986



William G. Bohn
Executive Secretary

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

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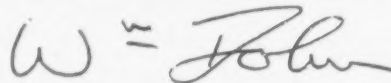
TO THE HONORABLE CHIEF JUSTICE
AND JUSTICES OF THE SUPREME COURT
OF THE STATE OF NORTH DAKOTA:

TO THE HONORABLE MEMBERS OF THE
NORTH DAKOTA JUDICIAL CONFERENCE

Once again, I am pleased to submit to you the Annual Report of the North Dakota judicial system. This report highlights the activities of the North Dakota judicial system during calendar year 1986. It provides statistical information on our courts and reports on other developments and activities which are shaping our judicial system. It should prove valuable as a reference source for anyone wishing to learn about the operation of the judicial system in North Dakota.

I take this opportunity to publicly acknowledge the valuable assistance and cooperation extended to me by the judges and court personnel whose reports provided the information contained in the Annual Report. Particular thanks go to the staff of the State Court Administrator's Office for their diligent work in compiling the statistics and designing the format for this work.

Respectfully submitted,



WILLIAM G. BOHN
State Court Administrator and
Judicial Conference Executive
Secretary

WGB/ms

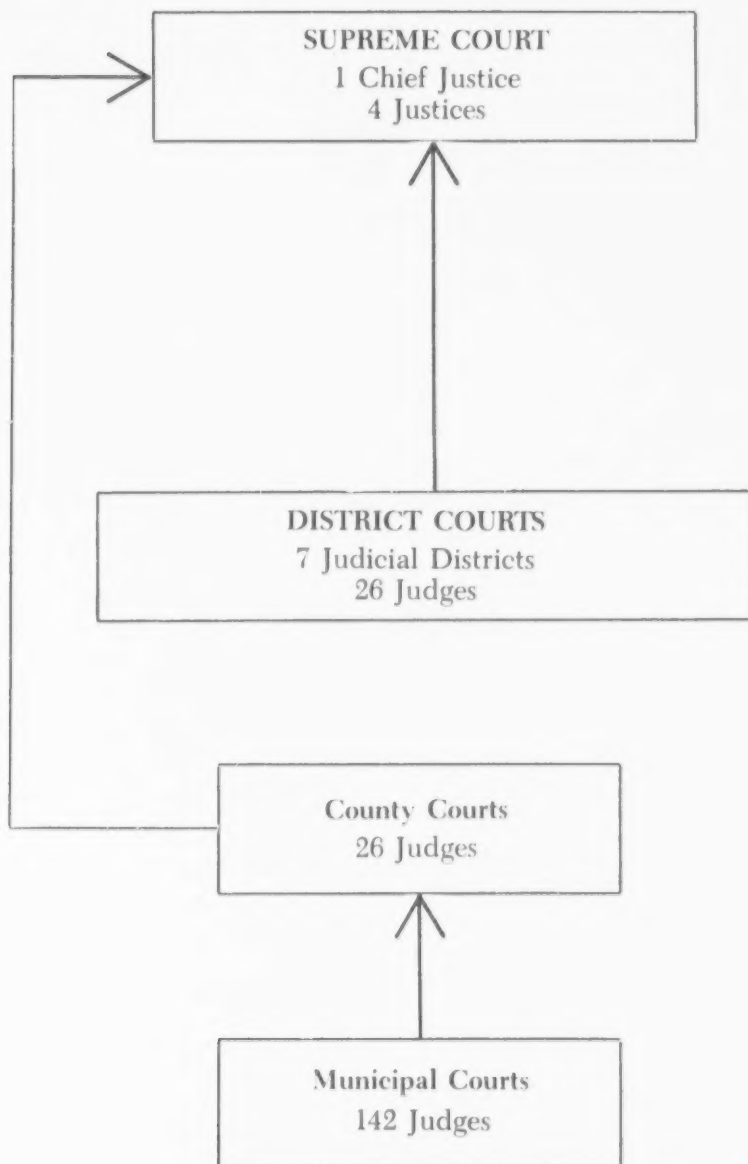


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The Structure of the North Dakota Judicial System



Profile of the North Dakota Judicial System

Structure of the Court System

The original constitution of the State of North Dakota created a judicial system consisting of the supreme court, district courts, justice of the peace courts, and such municipal courts as provided by the legislature. This judicial structure remained intact until 1959 when the Legislature abolished the justice of peace courts in the state.

The adoption of a new judicial article to the state constitution in 1976 significantly modified the constitutional structure of the judicial system. The new judicial article vested the judicial powers of the state in a unified judicial system consisting of a supreme court, district courts, and such other courts as provided by law. Thus, under the new judicial article, only the supreme court and the district courts have retained their status as constitutional courts. All other courts in the state are statutory courts.

In 1981 the Legislature further altered the structure of the judicial system by enacting legislation which replaced the multi-level county court structure with a uniform system of county courts throughout the state. This new county court structure became effective on January 1, 1983.

With the new county court system in place, the judicial system of the state consists of the supreme court, district courts, county courts, and municipal courts.

Administrative Authority

In addition to these structural changes, the new judicial article clarified the administrative responsibilities of the supreme court by designating the Chief Justice as the administrative head of the judicial system and by granting the Chief Justice the authority to assign judges for temporary duty in any nonfederal court in the state. It also acknowledged the supreme court's rulemaking authority in such areas as court procedure and attorney supervision.

Selection and Removal of Judges

All judges in North Dakota are elected in nonpartisan elections. Justices of the supreme court are elected for ten-year terms; district court judges for six-year terms, and all other judges for four-year terms.

Vacancies in the supreme court and the district courts can be filled either by a special election called by the governor or by gubernatorial appointment. However, before a vacancy can be filled by gubernatorial appointment, the Judicial Nominating Committee must first submit a list of nominees to the governor from which the governor makes an appointment. Whether the vacancy is filled by a special election or by appointment, the person filling the judicial vacancy serves only until the next general election. The person elected to the office at the general election serves for the remainder of the unexpired term.

Vacancies in the various county courts are filled by the board of county commissioners of the county where the vacancy occurs or by a special election called by the board of county commissioners. If the county commissioners choose to fill the vacancy by appointment, they must select from a list of nominees submitted by the Judicial Nominating Committee.

If a vacancy occurs in a municipal court, it is filled by the executive officer of the municipality with the consent of the governing body of the municipality.

Under the North Dakota Constitution only supreme court justices and district court judges can be removed from office by impeachment. All judges, however, are subject to removal, censure, suspension, retirement or other disciplinary action for misconduct by the supreme court upon the recommendation of the Judicial Conduct Commission. Other methods for the retirement, removal and discipline of judges can be established by the legislature.

CASELOAD OVERVIEW OF NORTH DAKOTA COURTS
FOR 1985 AND 1986

Level of Court	Filings		Dispositions		Pending at Year's End	
	1986	1985	1986	1985	1986	1985
Supreme Court	377	338	357	335	220	200
District Courts	18,008	16,979	17,194	16,670	8,049	7,235
County Courts	91,307	90,977	91,412	90,818	18,338	18,443
TOTAL	109,692	108,294	108,963	107,823	26,607	25,878

This chart previously contained information from municipal courts obtained from the Highway Dept. Since that information is no longer available, municipal courts have been excluded from this chart. For further information see municipal court sections of this annual report.

Supreme Court of North Dakota



Left to right: (Sitting) Justice Beryl J. Levine; Chief Justice Ralph J. Erickstad; and Justice Herbert L. Meschke; (Standing) Justice H.F. Gierke and Justice Gerald W. VandeWalle.

The North Dakota Supreme Court has five justices. Each justice is elected for a ten-year term in a nonpartisan election. The terms of the justices are staggered so that only one judgeship is scheduled for election every two years. Each justice must be a licensed attorney and a citizen of the United States and North Dakota.

One member of the supreme court is selected as chief justice by the justices of the supreme court and the district court judges. The chief justice's term is for five years or until the justice's elected term on the court expires. The chief justice's duties include presiding over supreme court conferences, representing the judiciary at official state functions, and serving as the administrative head of the judicial system.

The North Dakota Supreme Court is the highest court for the State of North Dakota. It has two major types of responsibilities: (1) adjudicative and (2) administrative.

In its adjudicative capacity, the supreme court is primarily an appellate court with jurisdiction to hear appeals from decisions of the district courts and the county courts. All appeals from these courts must be accepted for review by the court. In addition, the court also has original jurisdiction authority and can issue such original and remedial writs as are necessary to exercise this authority.

The state constitution requires that a quorum, composed of a majority of the justices, is necessary before the court can conduct its judicial business. It also stipulates that the court cannot declare a legislative enactment unconstitutional unless four of the justices so decide. When the court decides an appeal, it is required to issue a written opinion stating the rationale for its decision. Any justice disagreeing with the majority decision may issue a dissenting opinion which explains the reasons for the disagreement with the majority.

In its administrative capacity, the supreme court has major responsibilities for ensuring the efficient and effective operation

of all nonfederal courts in the state, maintaining high standards of judicial conduct, supervising the legal profession, and promulgating procedural rules which allow for the orderly and efficient transaction of judicial business. Within each area of administrative responsibility, the court has general rulemaking authority.

The court carries out its administrative responsibilities with the assistance of various committees and boards. It exercises its authority to admit and license attorneys through the State Bar Board. Its supervision of legal ethics is exercised through the Disciplinary Board of the Supreme Court and its supervision of judicial conduct is exercised through the Judicial Conduct Commission. Continuing review and study of specific subject areas within its administrative jurisdiction is provided through four advisory committees—the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee. Other committees, such as the Judicial Planning Committee and the Judicial Training Committee also provide valuable assistance to the supreme court in important administrative areas.

Administrative personnel of the supreme court also play a vital role in helping the court fulfill its administrative functions. The clerk of the supreme court supervises the calendaring and assignment of cases, oversees the distribution and publication of supreme court opinions and administrative rules and orders, and decides certain procedural motions filed with the court. The state court administrator assists the court in the preparation of the judicial budget. The state court administrator prepares statistical reports on the workload of the state's courts, provides judicial educational services, and performs such other administrative duties that are assigned to him by the supreme court. The state law librarian supervises the operation of the state law library and serves as court bailiff when the court is in session.

Supreme Court Caseload for Calendar Year 1986

Luella Dunn, Clerk of the Supreme Court

The statistics for 1986 confirm an overwhelming increase in the overall workload of the Supreme Court. New filings in 1986 came in at an all-time high of 377 cases. The new cases plus those carried over from 1985 amounted to a crushing total of 577 cases in 1986. New filings were up by 11.5%. This year the highest increase was in criminal filings, an increase of 18.4%. Following the same pattern, the output for the year in the number of dispositions increased by 6.6% over last year. It is clear the Court will not be able to keep pace with this ever-increasing caseload.

CASELOAD SYNOPSIS OF THE SUPREME COURT FOR THE 1985 AND 1986 CALENDAR YEARS

	1986	1985	Percent Difference
New Filings	377	338	11.5
Civil	287	262	9.5
Criminal	90	76	18.4
Filings Carried over from Previous Calendar Year	200	197	1.5
Civil	156	156	0.0
Criminal	44	41	7.3
Total Cases Docketed	577	535	7.9
Civil	443	418	6.0
Criminal	134	117	14.5
Dispositions	357	335	6.6
Civil	271	262	3.4
Criminal	86	73	17.8
Cases Pending as of December 31	220	200	10.0
Civil	172	156	10.3
Criminal	48	44	9.1

During the year the Court disposed of 357 cases. Of these, 271 were civil cases and 86 were criminal. Of the 357 dispositions the Court affirmed the trial court in 110 civil cases and 40 criminal cases, affirmed in part 29 cases and dismissed 13 cases. Reversals including modifications and remands totalled 67 cases.

DISPOSITIONS - 1986

	Civil	Criminal
BY OPINION:		
Affirmed; Modified and Affirmed	110	40
Reversed; Reversed and Remanded; Reversed and Modified	48	16
Affirmed in Part and Reversed in Part	29	
Judgment Vacated and Remanded	2	
Remanded	3	
Dismissed	12	1
Discipline Imposed	1	
Original Jurisdiction -- Granted	1	
Dispositions by Opinion	206	57
BY ORDER:		
Dismissed	54	21
Remanded	1	3
Discipline Imposed	1	
Original Jurisdiction -- Granted	2	
Original Jurisdiction -- Denied	7	5
Dispositions by Order	65	29
Total Dispositions for 1986	271	86

The average time required from hearing to decision of civil cases in 1986 increased from 68 days to 82 days. Disposition time in criminal cases decreased from 73 days in 1985 to 50 days in 1986. Disposition time is computed from the date of submission to the Court, that is, oral argument or waiver of argument until the date the opinion of the Court is rendered.

During 1986 the Court spent 71 days in Court hearing oral arguments in 256 cases. There were 331 administrative matters referred to the full Court. These included Motions for Writs of Habeas Corpus, Mandamus, Superintending Control, Applications for Release Pending Appeal or Applications for Stay of Execution of Judgment. These matters often require the immediate attention of the Court and are often crucial to the case. However,

COMPARISON OF THE TIME PRESCRIBED IN THE RULES FOR PERFECTING AN APPEAL AND THE ACTUAL TIME USED (IN DAYS)

	Prescribed by Rules		Average Actual Time 1984		Average Actual Time 1985		Average Actual Time 1986	
	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal
From filing Entry of Judgment to filing Notice of Appeal	60	10	42	8	44	11	45	5
From filing Notice of Appeal to filing of Complete Record	50	50	52	44	51	43	41	45
From filing of Complete Record to filing Appellant's Briefs	40	40	44	51	46	50	48	49
From filing Appellant's Briefs to filing Appellee's Briefs	30	30	32	36	33	35	33	32
From At Issue (case ready for calendaring) to Hearing	N/A	N/A	48	52	52	56	61	49
From Hearing to Decision	N/A	N/A	49	63	68	73	82	50

the caseload does not adequately reflect this important function of the Court.

The Chief Justice or Administrative Judge ruled on 166 administrative matters and the Clerk acting under authority granted by the Supreme Court ruled on 342 motions.

The Court held six hearings in 1986 on proposed amendments or on proposed new rules relating to Rules of Professional Conduct and Lawyer Discipline, Admission to Practice, Continuing Legal Education, Limited Practice of Law by Law Students and the IOLTA (Interest on Lawyers' Trust Accounts) Program.

The 1987 Legislature will decide whether a Temporary Intermediate Appellate Court will be authorized for the coming biennium. The intent of the proposed HB 1677 is that implementation of the temporary intermediate appellate court will not occur unless the Supreme Court has disposed of 250 cases by opinion in a twelve month period preceding September 1. The fiscal note attached to the bill is minimal since the Court will be staffed by district court judges and retired judges. If authorized, the intermediate appellate court will alleviate the workload of the Supreme Court considerably.

District Courts

There is a district court in each of the state's fifty-three counties. They have original and general jurisdiction in all cases except as otherwise provided by law. They have the authority to issue original and remedial writs. They have exclusive jurisdiction in criminal felony cases and have concurrent original jurisdiction with the county courts in all criminal misdemeanor cases.

The district courts also serve as the juvenile courts in the state. Under Chapter 27-20, NDCC, which enacted the Uniform Juvenile Court Act, the juvenile court has exclusive and original jurisdiction over any minor who is alleged to be unruly, delinquent, or deprived. This jurisdiction was expanded in 1981 when the Legislature adopted legislation granting the juvenile court jurisdiction over all cases where a female minor is seeking judicial authorization to obtain an abortion without parental consent. Unlike a majority of the other states, the responsibility of supervising and counseling juveniles who have been brought into juveniles court lies with the judicial branch of government in North Dakota. To meet these responsibilities, the presiding judge of each judicial district has the authority to appoint juvenile supervisors, probation officers, and other support personnel. The juvenile employees must perform their responsibilities independent of the judges who preside in juvenile court in order to preserve the judges impartiality. In addition to these personnel, the presiding judge may also appoint judicial referees in lieu of district court judges to preside over juvenile proceedings, judgment enforcement proceedings, and domestic relations proceedings other than contested divorces.

The district courts are also the appellate courts of first instance for appeals from the decisions of many administrative agencies. Acting in this appellate capacity, they do not conduct a retrial

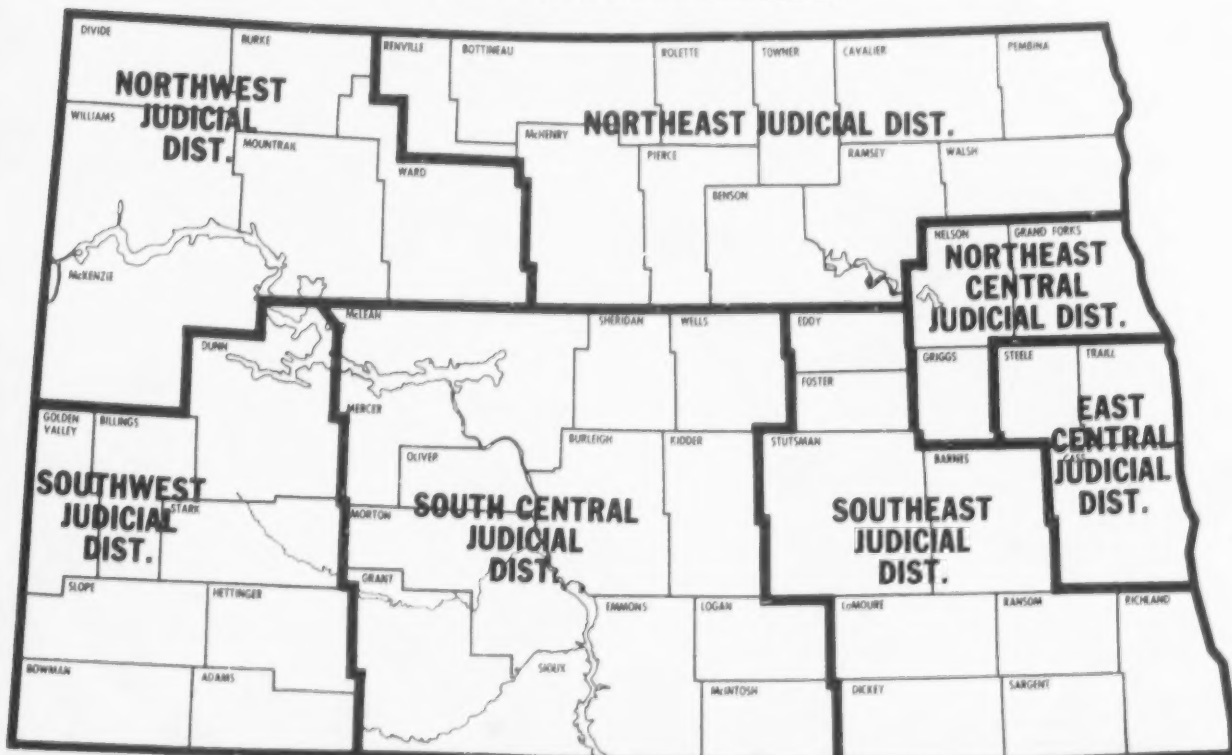
of the case. Their decisions are based on a review of the record of the administrative proceeding conducted by the administrative agency under review.

In 1979 the supreme court divided the state into seven judicial districts. In each judicial district there is a presiding judge who acts as the chief judicial administrator for the district. All presiding judges are appointed by the chief justice with the approval of the supreme court. The duties of the presiding judge, as established by the supreme court, include convening regular meetings of the judges within the judicial district to discuss issues of common concern, assigning cases among the judges of the district, and assigning judges within the judicial district in cases of demand for change of judge.

There are twenty-six district judges in the state. The South Central Judicial District and the Northwest Judicial District each have five judges, the East Central Judicial District has four judges, and each of the remaining four judicial districts has three district judges. All district court judges are required by the state constitution to be licensed North Dakota attorneys and citizens of the United States and North Dakota.

The office of district court judge is an elected position filled every six years in a nonpartisan election held in the district in which the judge will serve. If a vacancy occurs, the governor may either fill the vacancy by appointing a candidate from a list of nominees submitted by a Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge serves until the next general election, at which time the office is filled by election for the remainder of the term.

NORTH DAKOTA JUDICIAL DISTRICTS



District Court Caseload

The district court caseload continued to show the increase in filing that has been evident since 1980. There was a 6% increase in new filings, compared with a 3% increase in dispositions.

The three major components of the district court caseload have remained stable in comparison with previous years. The civil component continues to be the largest category of cases making up 84% of the district court filings. Criminal and juvenile filings each contribute 8% of the district court caseload. These percentages have been very similar since 1980.

There were increased filings in all districts resulting in an additional 40 cases filed per judge on a statewide average. The overall increase is generally reflective of the civil filing within each district.

The percentages of increases or decreases of criminal cases varies greatly from year to year. However, the small number of cases makes comparisons of percentages misleading. The South Cen-

tral District showed the largest increase in criminal filings, 373 filings in 1986 up 53 filings from 1985. Meanwhile, the Northwest District showed an increase of 18 criminal filings, the Northeast Central Judicial District showed an increase of 39 filings, the East Central Judicial District showed an increase of 14 criminal filings, the Southeast Judicial District increased 32 filings. The remaining districts showed small decreases in criminal filings, the Northeast District showing a decrease of 22 filings and the Southwest District decreasing 16 filings.

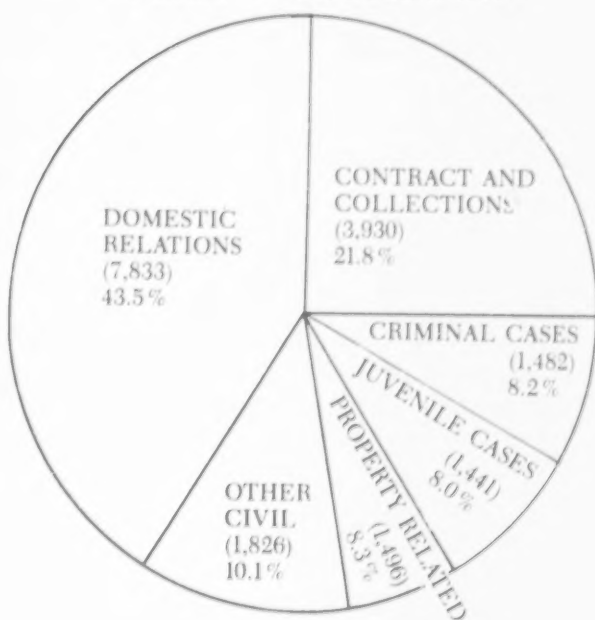
The total number of dispositions increased by 524 cases (3.1%) in 1986. This raised the per judge average dispositions to 661 compared with 641 in 1985 and 615 cases in 1984.

Despite the increase in dispositions, the increased filings resulted in 8,049 cases pending at the end of 1986 compared with 7,235 cases pending at the end of 1985.

DISTRICT COURT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	18,008	16,979	+6.1
Civil	15,085	14,239	+5.9
Criminal	1,482	1,366	+8.5
Juvenile	1,441	1,374	+4.9
Cases Carried Over From Previous Year	7,235	6,926	+4.5
Civil	6,834	6,507	+5
Criminal	401	419	-4.3
Juvenile	—	—	—
Total Cases Docketed	25,243	23,905	+5.6
Civil	21,919	20,746	+5.7
Criminal	1,883	1,785	+5.5
Juvenile	1,441	1,374	+4.9
Dispositions	17,194	16,670	+3.1
Civil	14,440	13,912	+3.8
Criminal	1,313	1,384	-5.1
Juvenile	1,441	1,374	+4.9
Cases Pending as of December 31	8,049	7,235	+11.3
Civil	7,479	6,834	+9.4
Criminal	570	401	+42.1
Juvenile	—	—	—

TYPES OF CASES FILED IN THE DISTRICT COURT DURING 1986



DISTRICT COURT CASE TYPE FILING — 1986

Case Type	CIVIL	Filings
Property Damage		179
Personal Injury		339
Malpractice		43
Divorce		2844
Adult Abuse		367
Custody		65
Local Support		1999
URES		1661
Adoption		323
Paternity		456
Admin. Appeal		306
Appeal Other		29
Contract/Collect		3930
Quiet Title		130
Condemnation		30
Forcible Detain.		6
Foreclosure		1317
Change of name		118
Special Proceed.		52
Trust		43
Foreign Judgment		502
Other		346
Total		15,085

Case Type	CRIMINAL	Filings
Felony A		63
Felony B		327
Felony C		1000
Misdemeanor A		37
Misdemeanor B		28
Infraction		—
Special Remedy		3
Appeal		20
Other		4
Total		1482

Civil Caseload

Civil filings increased by 5.9%, continuing a steady increase over the past several years. However, unlike previous years where civil filings increased in county and district court, in 1986 county court civil filings decreased by 9%.

Within the civil caseload, domestic relation cases made up 51% of all civil filings. As a category, the domestic relations filings increased 6% from 1985. Child support actions make up 47% of the domestic relation cases, divorce 36%, adoption and paternity 4% and 6% respectively, adult abuse 5% and custody less than 1%. Adult abuse filings increased from 236 in 1985 to 367 in 1986, a 38% increase. The adult abuse filings have increased from 156 in 1984, a 135% increase over the two year period.

Also of significance was a 12% increase in child support hearings and a 31% increase in paternity cases. Both increases can be partly attributed to increased emphasis in governmental efforts to insure the financial responsibility of non-custodial parents.

The number of contract and collection filings decreased slightly (about 1%). Additionally, the number of property related filings increased 19%, chiefly because foreclosure filings increased from

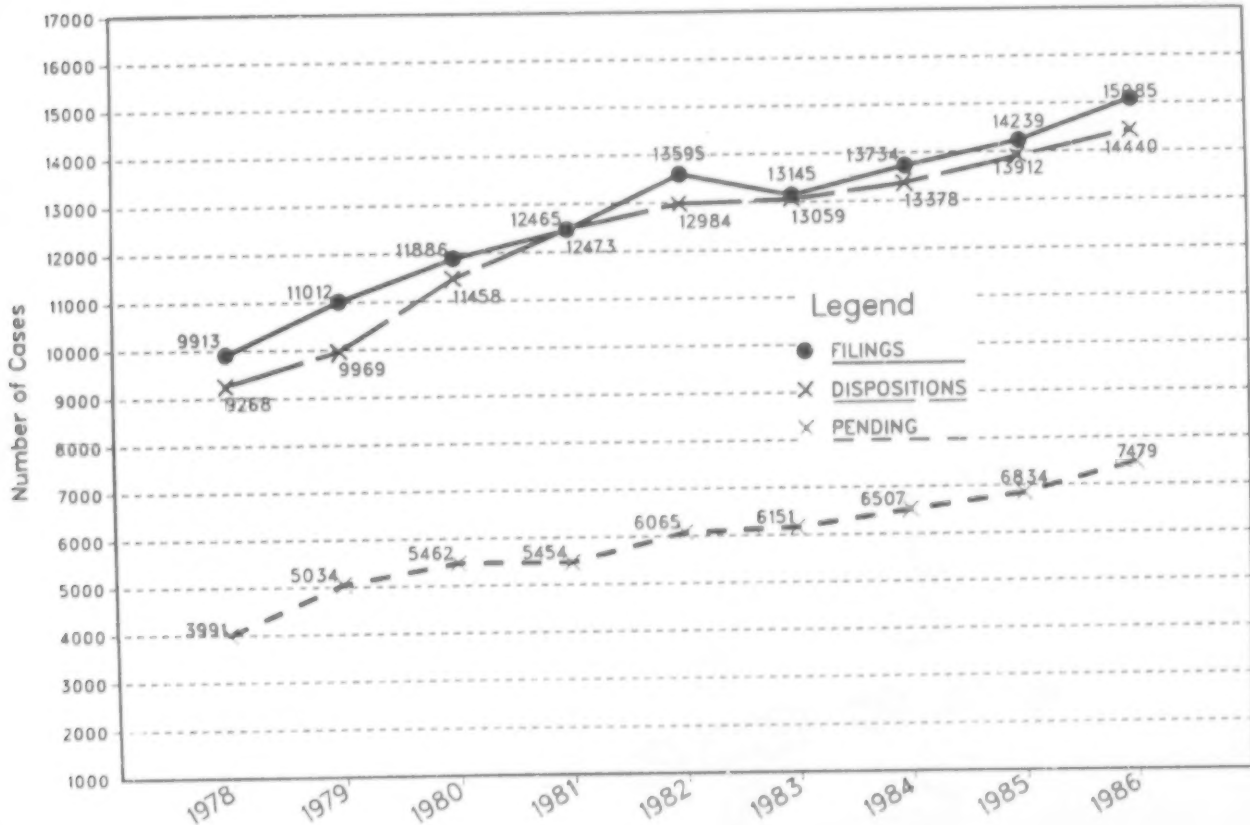
1,148 in 1985 to 1,317 in 1986, a 15% increase.

Nearly 500 more civil cases were disposed of 1986 compared with 1985. Of the cases disposed, 24% were by trial. Of the cases disposed by trial, 2% were jury trials and 98% were court trials.

Even though civil dispositions increased in 1985, they were out paced by increased civil filings resulting in a 9% increase of pending cases. Though the workload increased, the district courts continue to process civil cases in a timely manner. Standards adopted by the Supreme Court require that a civil case be disposed of within 24 months of filing and within 90 days of a concluded trial. Certain types of cases such as trust cases and support cases are exempted from these standards because of the continuing nature of the cases. The standard may be waived for a specific case by the presiding judge of the district or by the Chief Justice if a district judge demonstrates good cause for the waiver.

Only 4 percent of the pending civil cases were more than 24 months old at year end. This is the same percentage that has been evident over the last several years.

ND CIVIL CASELOAD COMPARISONS FOR
DISTRICT COURT FOR 1978 — 1986



Criminal Caseload

North Dakota traditionally ranks as one of the lowest crime areas in the nation, (49th in 1984) especially for violent crimes (50th for the last several years). This fact is reflected in the relatively small number of felony filings and in the types of felony charged.

Of all the criminal cases filed in district courts, 5% were felony A, 24% felony B, 67% felony C and 4% were infractions or other criminal filings. This proportion of cases has been relatively constant over the last several years.

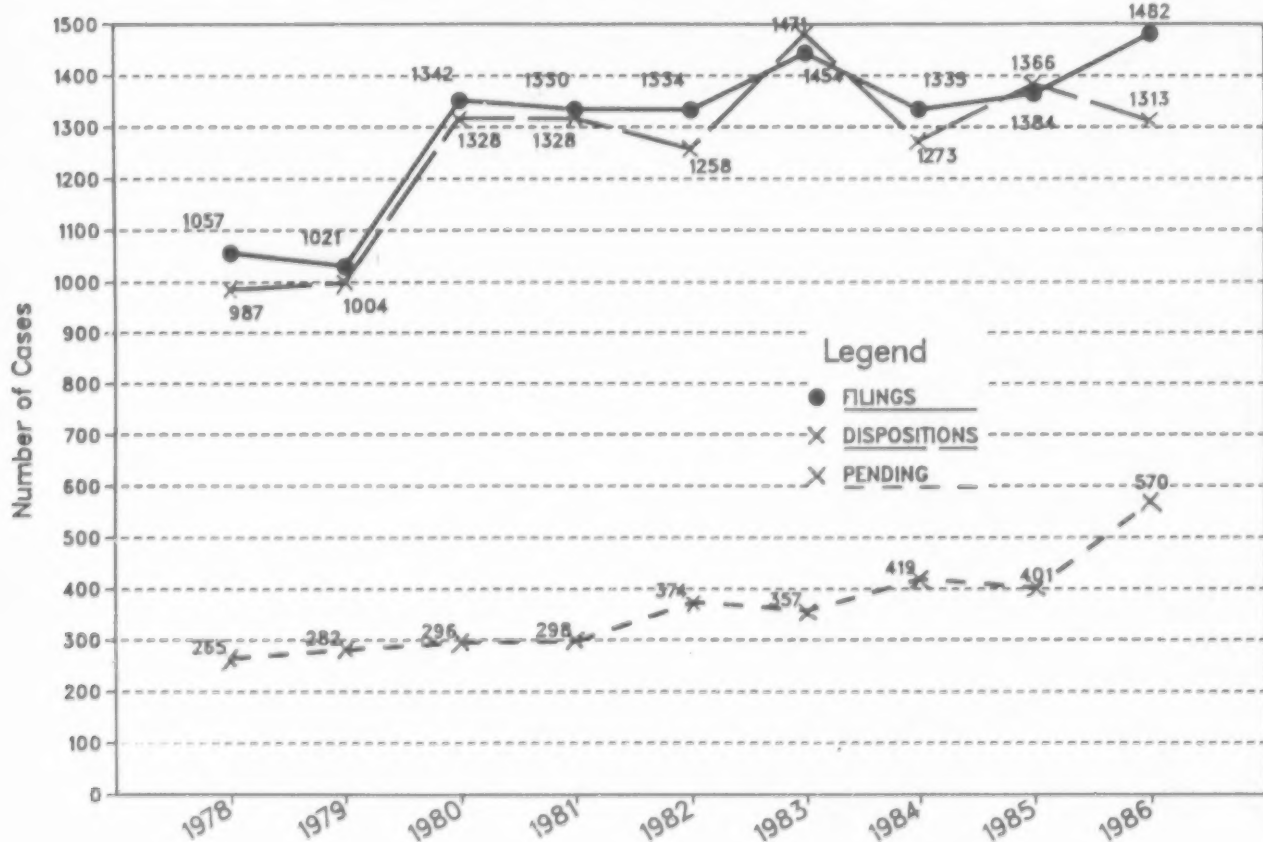
In 1986 there was a 8.5% increase in criminal filings (116 cases). As can be seen from the chart below, the number of felony filings has been stable since 1980, with the exception of 1983 and 1986.

Statewide 41% of criminal cases were disposed of by trial. Jury trials accounted for 15% of the trials, or 47 cases. This compares with 45 jury trials in 1985.

As with civil cases, docket currency standards have been established for criminal cases. These standards require criminal cases to be decided within 120 days of the filing of the information or indictment in district court. The presiding judge of the district or the chief justice can waive these standards for specific cases if good cause is demonstrated. At the end of 1986 approximately 23 percent of the pending criminal cases failed to meet the 120 day standard set by the docket currency standards. By comparison, 32 percent of the criminal cases pending at the end of calendar year 1985 were older than 120 days.

The graph below shows the various trends since 1978 for criminal filings, dispositions, and pending cases.

CRIMINAL CASELOAD COMPARISON FOR DISTRICT COURT
FOR 1978 — 1986



Juvenile Caseload

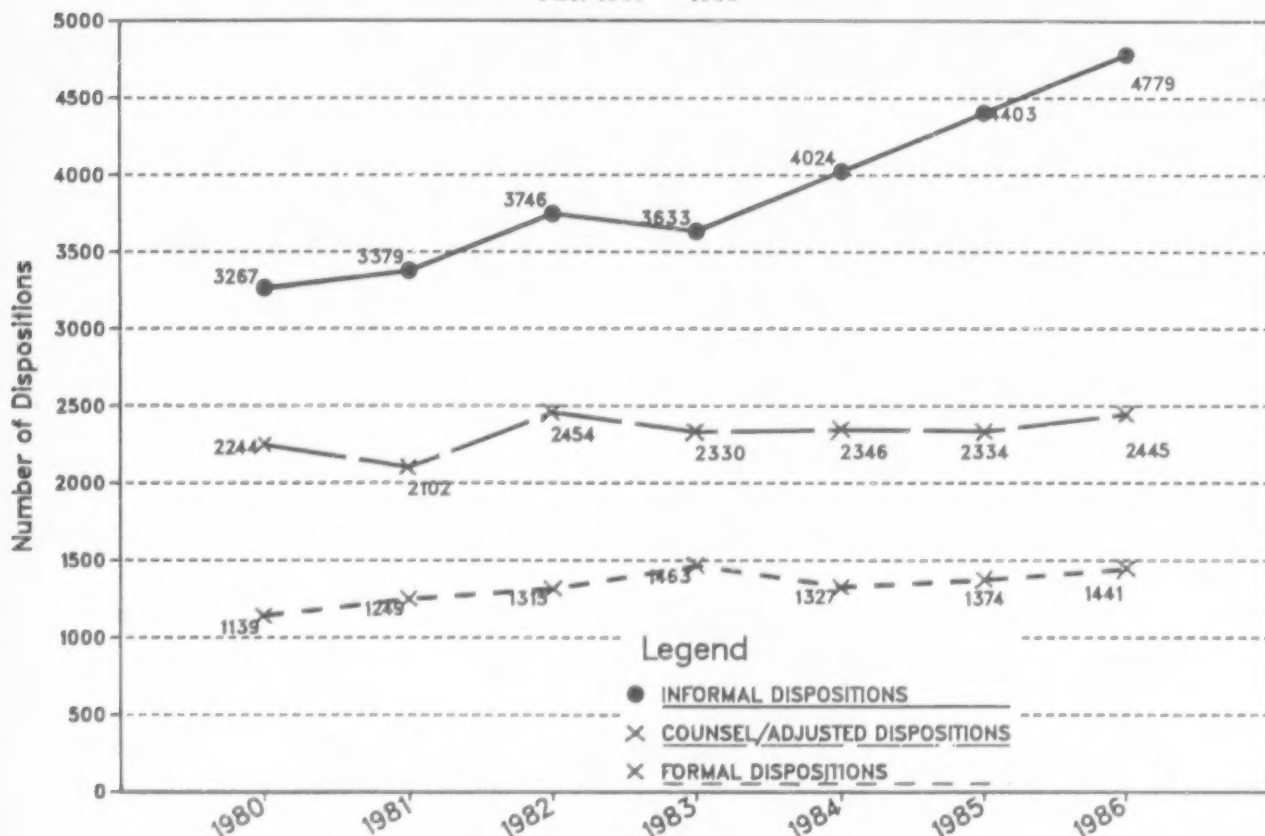
As with the criminal caseload, the low violent crime rate in North Dakota is reflected in the juvenile court statistics. Offenses against persons made up only 2% of the juvenile court caseload. Meanwhile, status offenses (offenses which only a child can commit) made up 14% of the caseload, offenses against property 33%, traffic offenses 6%, deprivation 17%, and other filings 29%.

The method by which cases were disposed showed a continued increase in using informal supervision. In 1986, 55% of the cases were disposed of through informal adjustments, 28% were counseled and adjusted, and 17% were handled formally. This compares with 54% informal, 70% formal and 29% counseled and adjusted in 1985.

Overall, the juvenile court caseload increased by 10.7% continuing a trend of the last several years.

The table below compares the reasons for referral to juvenile court in 1985 and 1986. As in previous years, the illegal possession or purchase of alcoholic beverages continues to be the most common single reason for referral followed by misdemeanor thefts. Overall, the major reasons for referrals in 1986 have changed little from those recorded in 1985. Interestingly, the number of deprivation cases decreased slightly in 1985 despite the continued increase of reports of child abuse to the Department of Human Services.

COMPARISON OF JUVENILE DISPOSITIONS
FOR 1980 — 1986



TYPES OF JUVENILE COURT DISPOSITIONS
FOR 1985 AND 1986

Judicial District	Formal		Informal		Counsel/ Adjusted		Total Dispositions		Percent Difference For Total Dispositions
	1986	1985	1986	1985	1986	1985	1986	1985	
Northwest	149	134	820	815	186	214	1,164	1,163	+ .10
Northeast	204	190	400	353	672	513	1,276	1,056	+ 20.8
Northeast Central	200	207	717	525	54	147	971	879	+ 10.5
East Central	316	363	517	535	687	606	1,520	1,504	+ 1.06
Southeast	212	156	635	461	272	246	1,119	863	+ 29.7
South Central	286	284	1,544	1,591	404	418	2,234	2,293	- 2.6
Southwest	74	40	137	123	170	190	381	353	+ 7.9
TOTAL	1,441	1,374	4,779	4,403	2,445	2,334	8,665	8,111	+ 6.8

**REASON FOR REFERRAL TO JUVENILE COURT SERVICES
IN 1985 AND 1986**

	1986	1985	Percent Difference
UNRULY	1,217	1,047	+16.2
Runaway-Instate	362	307	+17.9
Runaway-out-of-state	51	57	-10.5
Truancy	165	145	+13.8
Ungovernable Behavior	427	335	+27.5
Conduct/Control Violation	43	48	-10.4
Curfew Violation	135	117	+15.4
Other	34	38	-10.5
DELINQUENCY	5,812	5,110	+13.7
Offense Against Person	203	186	+9.1
Assault	123	104	+18.3
Homicide	1	2	-50
Kidnapping	0	2	-100
Sex Offense	46	44	+4.6
Other	33	34	-2.9
Offense Against Property	2,848	2,612	+9.04
Arson	4	14	-71
Burglary	191	160	+19.4
Criminal Mischief	496	436	+13.8
Criminal Trespass	159	121	+31.4
Forgery	77	64	+20
Robbery	4	3	+33
Theft-Misdemeanor	1,098	1,055	+4.1
Theft-Felony	614	569	+7.9
Unauthorized Use of Vehicle	99	75	+32
Other	106	115	-7.8
Traffic Offenses	415	473	-12.3
Driving w/o license	321	369	-13.01
Negligent Homicide	3	0	N/A
Other	91	104	-12.5
Other Offenses	2,346	1,839	+27.6
Disorderly Conduct	236	222	+6.3
Firearms	34	58	-41.4
Game & Fish Violation	47	28	+67.9
Obstruction of Law	25	16	+56.3
Possession or Purchase of Alcohol Beverage	1,828	1,293	+41.4
Controlled Substance Violation	73	119	-38.7
Other	103	103	-0-
DEPRIVATION	1,421	1,455	-4.3
Abandoned	4	4	-0-
Abuse/Neglect	976	873	+11.8
Deprived	418	582	-28.2
Other	23	26	-11.5
SPECIAL PROCEEDINGS	143	124	+15.3
Involuntary Termination of Parental Rights	11	7	+57.1
Voluntary Termination of Parental Rights	95	92	+3.3
Other	37	25	+48
TOTAL	8,593	7,766	+10.7

Report of the Northwest Judicial District

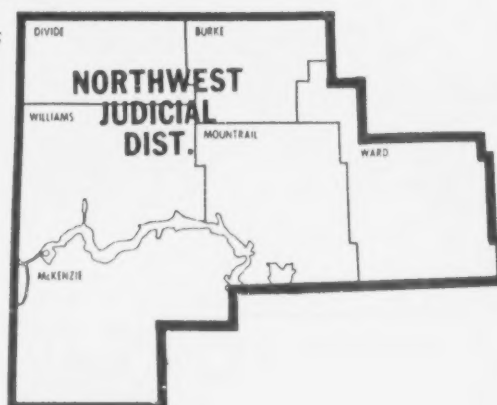
The Honorable Wallace D. Berning, Presiding Judge
William Blore, Court Administrator

District Court Judges: Wallace D. Berning, Presiding Judge; Jon R. Kerian; Everett Nels Olson; William M. Beede; and Bert L. Wilson.

County Court Judges: Gary A. Holum; Gordon C. Thompson; Robert W. Holte; and William W. McLees, Jr.

Number of Counties in District: 6

District Court Chambers: Minot and Williston



Personnel:

Two long-time Clerks of Court did not seek re-election this year resulting in the retirement of Dominic Buzzell in Burke County and Lester Wehrung in McKenzie County. Dominic was replaced by his deputy clerk, Susan Olson, and Lester was replaced by his deputy clerk, Connie Bruins.

Cal Asendorf has taken over the administration of Juvenile Court Services in Ward and Burke counties effective July 1, 1986. On that date Bill Blore's reclassification to Court Administrator also went into effect. It is anticipated that two part-time referees will be hired soon to relieve Mr. Blore of that responsibility that he might devote full time to court administration.

District Judges Beede and Wilson have primary responsibility for cases in Williams, Divide and McKenzie counties. Judges Berning, Olson and Kerian have primary responsibility for cases in Ward, Burke and Mountrail counties. There is periodic rotation, etc.

In Ward County Court Judge Gary Holum is continuing to utilize the services of Referee Mark Flagstad for small claims litigation in Ward County. Judge McLees handles, by ad hoc assignment, additional cases in Williams County.

Facilities:

Due to recent federal legislation concerning the incarceration of juveniles and a prohibition against the use of existing jails for that purpose, Williston will have a detention facility by July of 1987 which will meet current federal mandates. A remodeling project in the law enforcement center is currently underway. Work also continues on alternatives for shelter care in the Williston area. In Ward County a feasibility study has been initiated to consider utilizing space in the new Ward County jail for an alternative court room. Such a plan would greatly relieve pressure on scheduling with existing available court rooms for the Minot office.

Emphasis has been placed on making electronic recording equipment throughout the district compatible. The limited number of court reporters now require the use of electronic equipment for juvenile and child support hearings. It is now possible to interphase recording equipment in most counties throughout the district rather than necessitate transporting recording equipment from courthouse to courthouse.

Caseload Increases:

The impact of our current economic situation is apparent as one reviews the increases in juvenile court caseloads as well as child support enforcement and restitution impact generally throughout the district. It is interesting to note that the Ward County Juvenile Court processed over 900 referrals with an excess of 100 formal hearings last year. They collected over \$13,000 in restitution during 1986. Ward County experienced an increase of over 100 cases in child support enforcement matters. Once again, over \$4,300,000 has been received and processed in this district through child support enforcement payments during this same period. Most of these payments are in small monthly amounts reflecting an immense volume of activity and workload for the various clerks of court. Over \$13,000 has been recovered in indigent defense payments.

Volunteers and Students:

The Northwest District has placed greater emphasis on utilizing volunteers and students during the current budget crunch. A program which began on a modest basis some years ago has been expanded. Minot State University students from the Criminal Justice Division as well as the Social Service Division have been placed in the probation department during their senior year. Recently the Business Department has also participated by placing secretarial students who help fill in the gap resulting from retirements and staff changes. The guardian ad litem program has also been expanded and now utilizes over a dozen local citizens who assist in formal Juvenile Court hearings and related matters.

NORTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	3,046	2,858	+ 6.6
Civil	2,633	2,476	+ 6.3
Criminal	264	248	+ 6.5
Juvenile	149	134	+ 11.2
Cases Carried Over			
From Previous Year	1,093	1,033	+ 5.8
Civil	1,047	972	+ 7.7
Criminal	46	61	- 24.6
Juvenile	—	—	—
Total Cases Docketed	4,139	3,891	+ 6.4
Civil	3,680	3,448	+ 6.7
Criminal	310	309	+ .32
Juvenile	149	134	+ 11.2
Dispositions	2,828	2,798	+ 1.1
Civil	2,448	2,401	+ 1.96
Criminal	231	263	- 12.2
Juvenile	149	134	+ 11.2
Cases Pending as of			
December 31	1,311	1,093	+ 19.95
Civil	1,232	1,047	+ 17.7
Criminal	79	46	+ 71.7
Juvenile	—	—	—

Report of the Northeast Judicial District

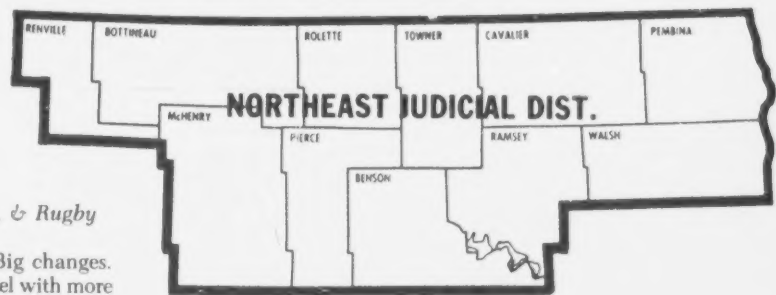
The Honorable James O'Keefe, Presiding Judge

District Court Judges: James O'Keefe, Presiding Judge; William A. Neumann, and Lee A. Christofferson.

County Court Judges: James M. Bekken, A.S. Benson, Thomas K. Metelmann, John C. McClintock, Ronald M. Dosch, and Theodore Weisenburger.

Number of Counties in District: 11

District Court Chambers: Devils Lake, Grafton, & Rugby



The byword in the district has been "change". Big changes. There has been an unprecedented turnover in personnel with more to come. Presiding Judge Douglas B. Heen has retired and has been replaced by James H. O'Keefe of Grafton. He was our first and only Presiding Judge and also the Chief Judge of the Council of Presiding Judges. Dagny Olson, calendar control clerk, also left in mid-year. She has been a prominent person in the district and, indeed, the state for many years. She was a court reporter for many years with several judges. She has been replaced by Diane Tallackson.

Lee A. Christofferson was appointed by the Governor to replace Judge Heen at Devils Lake and was elected to the office in November.

We are honored by the election of Judge William A. Neumann as Chairman-Elect of the new Judicial Conference.

Three of the five new county judges elected in the state were in this district: Donovan J. Foughty, M. Richard Geiger, and Lester S. Ketterling. The three who left us are Theodore Weisenburger, A. S. Benson, and Ronald M. Dosch. We wish them well in their future endeavors. Walsh, Pembina, and Cavalier signed a new multi-county agreement to share the services of two judges. It is note-worthy that one of our county judges, James M. Bekken, operates in three judicial districts. County judges have been most cooperative in working outside their jurisdictions, on assignment, in cases of illness or demand.

The Juvenile Court has seen three of its long-time referee/supervisors retire: Orville V. Olson, James E. Very, and Frank J. Hager. They were all "grandfathered" into the system years ago so they must now be replaced with lawyers. These three were performing the functions of six job descriptions. It is uncertain, due to caseload and budgetary factors, how they will be replaced. Dale Thompson, a Rugby lawyer, has been hired as a referee and there will shortly be two new supervisors and possibly two probation officers.

Several years ago the district judges went from a rotational system with terms of court, to continuous terms. Judge O'Keefe hears cases in the eastern counties, Judge Christofferson in the middle and Judge Neumann in the west. This has drastically cut travel and expense and is working well for all concerned.

The indigent counsel contract is functioning smoothly with an interchange of three different law firms throughout the district.

New Clerks of Court in the district are: Reuben Schoenberg, Renville County, Robert Indvik, Bottineau County, and Beverly Gellner, Cavalier County. Leaving us are: Dorothy Adam, Ross

McNea and Robert Reiser. The three of them represent many years of service to their counties.

High incidence of mortgage foreclosures has placed the courts in the unpleasant position of having to be a party to the disposition of many farmlands. It seems that this type of action has eased somewhat most recently.

NORTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings.....	1,563	1,557	+ .39
Civil	1,239	1,225	+ 1.1
Criminal	120	142	-15.5
Juvenile	204	190	+ 7.4
Cases Carried Over			
From Previous Year	746	767	- 2.74
Civil	675	689	- 2.03
Criminal	71	78	- 8.97
Juvenile	—	—	—
Total Cases Docketed	2,309	2,324	- .65
Civil	1,914	1,914	-0-
Criminal	191	220	- 13.2
Juvenile	204	190	+ 7.4
Dispositions	1,449	1,578	- 8.2
Civil	1,142	1,239	- 7.8
Criminal	103	149	- 30.9
Juvenile	204	190	+ 7.4
Cases Pending as of			
December 31	860	746	+ 15.3
Civil	772	675	+ 14.4
Criminal	88	71	+ 23.9
Juvenile	—	—	—

Report of the Northeast Central Judicial District

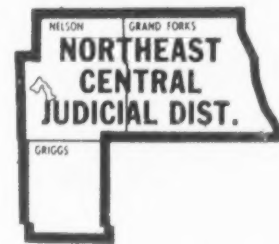
*The Honorable A.C. Bakken, Presiding Judge
Pat Thompson, Court Administrator*

District Court Judges: A.C. Bakken, Presiding Judge; Joel D. Medd; and Kirk Smith.

County Court Judges: Frank Kosanda; Jonal H. Uglem; and Ronald Dosch.

Number of Counties in District: 3

District Court Chambers: Grand Forks



Facilities:

The Board of County Commissioners for Grand Forks County adopted a resolution during February, 1986, to proceed with a project which would provide the District Court with two jury courtrooms and a Judicial Referee's hearing room on the second floor of the county courthouse. The third floor of the county courthouse would be remodeled to provide one large jury courtroom.

During the past year the county purchased the former Midwest Federal Savings & Loan Building and a number of administrative offices have been moved into those quarters. County Courtroom facilities are presently under construction on the main floor of the courthouse in preparation for the remodeling and expansion of the correctional center which is located in the 5th Street wing. The object of this development is to retain the highest classification of correctional facility for this district. Construction of Court facilities and moving of offices will be in planned stages extending beyond 1987.

Juvenile Court:

The Northeast Central Juvenile Court is participating in the establishment of the Greater Grand Forks Children's Consortium. The organization is a collaboration between 16 agencies in the Greater Grand Forks area who work extensively with children. The project's objective is to provide ongoing parenting education for the surrounding community. Probation Officers Deb Carlson, John Fuher, and Beth Veeder are among a pool of 15 trained group leaders which utilized the Active Parenting Program. The Consortium is funded through a grant from the North Dakota Children's Trust Fund.

During the past 18 months the Northeast Central Juvenile Court has presented a 2-hour workshop to 10 of the 14 rural schools within its three-county district. It is part of an outreach service which focuses on chemical dependency. The program content is broken down into four areas of concern:

1. **Twenty Years of Change** — "Adolescent at Risk"
2. **The Addiction Process**
3. **The Alcoholic Home**
4. **Drinking & Driving** — "Kevin's Story" (a video presentation followed by questions and answers)

The program has been offered to students in grades 5-12 as a lyceum presentation.

Caseload:

Statistics provided by the State Court Administrator's Office have shown a steady increase in filings in the Northeast Central Judicial District resulting in the highest statewide caseload per judge. A request for a fourth district judge for the Northeast Central Judicial District was submitted with the 1987-89 budget. The justification in support of the request was based on statistics for the years 1981 through 1985, and projected to the year 1990.

County Court:

Effective August 1, 1986, Ms. Rebecca Absey was appointed Clerk of County Court for Grand Forks County, filling the vacancy created by the resignation of Ms. Helen Zahn.

County Court recently modernized its filing system by installing open lateral file cabinets with a color coded filing system. Lateral files provide more storage and require less floor space. The Clerk of District Court converted to the open shelf system in 1984.

Law Clerks:

Continued cooperation with the University of North Dakota School of Law enables each district judge to have the assistance of a student law clerk. The law school gives students three credit hours for performing 10 hours of law clerk duties each week during a regular semester and two credit hours during the summer.

NORTHEAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings.....	2,714	2,458	+10.4
Civil.....	2,317	2,093	+10.7
Criminal.....	197	158	+24.7
Juvenile.....	200	207	-3.38
Cases Carried Over			
From Previous Year.....	1,045	937	+11.5
Civil.....	1,004	907	+10.7
Criminal.....	41	30	+36.7
Juvenile.....	—	—	—
Total Cases Docketed.....	3,759	3,395	+10.7
Civil.....	3,321	3,000	+10.7
Criminal.....	238	188	+26.6
Juvenile.....	200	207	-3.38
Dispositions.....	2,627	2,350	+11.8
Civil.....	2,255	1,996	+13
Criminal.....	172	147	+17
Juvenile.....	200	207	-3.38
Cases Pending as of			
December 31.....	1,132	1,045	+8.3
Civil.....	1,066	1,004	+6.2
Criminal.....	66	41	+61
Juvenile.....	—	—	—

Report of the East Central Judicial District

The Honorable Norman J. Backes, Presiding Judge
Richard Sletten, Court Administrator

District Court Judges: Norman J. Backes, Presiding Judge; John O. Garaas; Lawrence A. Leclerc; and Michael O. McGuire.

County Court Judges: Donald J. Cooke; Cynthia A. Rothe; and Jonal Uglem

Number of Counties in District: 3

District Court Chambers: Fargo



District Court:

The civil caseload continues to increase in the district with an 11% increase in filings compared to 1985. As a direct result, the motion practice indicates an increase of 12% over the last year. With the steady increase, however, the district continues to stay in compliance with the docket currency standards as set by the Supreme Court.

The second phase of the computerized caseflow management system is in development. Selected information from the existing system will be loaded into a micro-computer in the Calendar Control Clerk's office for scheduling purposes.

With the remodeling of the District Court facilities complete, the Court now has four courtrooms available for scheduling. In addition, the administrative offices have been redesigned and new jury rooms have been added. The new facilities have already proven more efficient for staff.

Juvenile Court:

In March 1986, a successful restitution program was developed and implemented within the district. Since its development, there has been a substantial increase in the amount of monetary restitution collected and in the amount of societal restitution completed. The district has received positive comments from the community regarding the program and it is hoped the program will continue to expand.

Arthur H. Lieb, Judicial Referee, retired following thirty-five years of service to the Judicial System of North Dakota. His services will be greatly missed.

Advisory Committee:

Attorneys David Bossart, Chairman; William Yuill, Leland Hagen, and Duane Ilvedson were appointed to the Advisory Committee by Judge Backes in 1986. The committee acts for the entire Judicial District and acts independently of the Court. Its existence has proven beneficial during the new construction and the Court is looking forward to working with the committee in the future.

Intern Program:

In a cooperative effort with local universities and under the direction of Judge McGuire, the District Court administers internship programs for local college students. The program is designed to give students the opportunity to view the judicial system in actual operation and in addition enables the students to become acquainted with the law by directly working with district judges.

Jury:

To assist in jury management, the Court Administrator is developing a jury indoctrination program for the district court. The program is designed to educate and instruct prospective jurors about their role as a juror and also assist them in understanding the judicial system.

EAST CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	3,660	3,409	+ 7.4
Civil	3,070	2,786	+ 10.2
Criminal	274	260	+ 5.4
Juvenile	316	363	- 13
Cases Carried Over			
From Previous Year	1,628	1,448	+ 12.4
Civil	1,554	1,380	+ 12.6
Criminal	74	68	+ 8.8
Juvenile	—	—	—
Total Cases Docketed	5,288	4,857	+ 8.9
Civil	4,624	4,166	+ 11
Criminal	348	328	+ 6.1
Juvenile	316	363	- 13
Dispositions	3,489	3,229	+ 8.1
Civil	2,943	2,612	+ 12.7
Criminal	230	254	- 9.5
Juvenile	316	363	- 13
Cases Pending as of			
December 31	1,799	1,628	+ 10.5
Civil	1,681	1,554	+ 8.2
Criminal	118	74	+ 59.5
Juvenile	—	—	—

Report of Southeast Judicial District

The Honorable Robert L. Eckert, Presiding Judge
Marguerite Aldrich, Court Administrator

District Court Judges: Robert L. Eckert, Presiding Judge; Gordon O. Hoberg; and John T. Paulson.

County Court Judges: James M. Bekken; Mikal Simonson; Harold B. Herseth; Bayard Lewis; Gary D. Neuharth; and Lowell O. Tjon.

Number of Counties in District: 9

District Court Chambers: Wahpeton, Jamestown and Valley City.

District and County Court Judge Election:

District Judge John T. Paulson was re-elected at the November 1986 general election. His chambers are in Valley City, the county seat of Barnes County. The following county judges were also re-elected: James M. Bekken, New Rockford, serving Eddy, Foster, Benson and Wells Counties; Harold B. Herseth, Jamestown, serving Stutsman County; Bayard Lewis, Wahpeton, serving Richland County; Gary D. Neuharth, Oakes, serving LaMoure and Dickey Counties; Lowell O. Tjon, Lisbon, serving Ransom and Sargent Counties. Judge Mikal Simonson, Valley City, was elected County Judge for Barnes County following his appointment on January 1, 1986, to fill the unexpired term of Judge C. James Cieminski.

Annual Meeting of the Southeast Judicial District Bar Association:

The seventh meeting of the Southeast Judicial District Bar Association was held at Ellendale on April 19, 1986, hosted by the members of the Dickey County Bar. Presiding at the meeting was President Dean Lenaburg of Valley City. New officers elected for two-year terms are Robert Heinley, Carrington, President, Ronald Goodman, Oakes, Vice-President, and Thomas J. Aljets, Carrington, Secretary/Treasurer. Following the luncheon at which Bruck Quick, Deputy Attorney General, presented an overview of the scope and operations of the Attorney General's Office, Presiding Judge Robert L. Eckert convened a meeting of all of the district, county and municipal judges.

Meeting of Court Personnel:

A district-wide meeting was held in Valley City on May 5, 1986. State Court Administrator William G. Bohn and Fiscal Officer Jana Thielges were present to discuss the impact of the four percent budget cuts and the prospects for improvement of the state fiscal position. All district court and juvenile personnel in the district attended.

New Personnel:

Lee Erickson, Jamestown, joined the juvenile staff as a Probation Officer in Jamestown on September 1, 1986, filling the vacancy created when Lisa Noah left for a similar position in the East Central Judicial District. A retirement party was held on June 27, 1986 for Gerard D'Amour, Jamestown, who retired after 38 years as a Court Reporter. Joining the staff as D'Amour's replacement on July 1, 1986, is Arnold Strand. Strand had been Court Reporter for Douglas B. Heen, Devils Lake, who retired on July 1, 1986.



SOUTHEAST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	1,847	1,796	+ 2.8
Civil	1,488	1,525	- 2.4
Criminal	147	115	+ 27.8
Juvenile	212	156	+ 35.9
Cases Carried Over			
From Previous Year	708	698	+ 1.4
Civil	657	636	+ 3.3
Criminal	51	62	- 17.7
Juvenile	—	—	—
Total Cases Docketed	2,555	2,494	+ 2.5
Civil	2,145	2,161	- .74
Criminal	198	177	+ 11.9
Juvenile	212	156	+ 35.9
Dispositions	1,770	1,786	.90
Civil	1,430	1,504	- 4.9
Criminal	128	126	+ 1.6
Juvenile	212	156	+ 35.9
Cases Pending as of			
December 31	785	708	+ 10.9
Civil	715	657	+ 8.8
Criminal	70	51	+ 37.3
Juvenile	—	—	—

Report of the South Central Judicial District

The Honorable Benny A. Graff, Presiding Judge
Ted Gladden, Court Administrator

District Court Judges: Benny A. Graff, Presiding Judge; Gerald G. Glaser; Larry M. Hatch; William F. Hodny; and Dennis A. Schneider.
County Court Judges: James M. Bekken; Donavin L. Grenz; Burt L. Riskedahl; Lester J. Schirado; and O.A. Schulz
Number of Counties in District: 13
District Court Chambers: Bismarck, Mandan and Linton



Court Administration:

During 1986 substantial efforts were devoted to the needs analysis of the administrative and financial recordkeeping practices in the County Court and Clerk of District Court's Office. Based on this analysis, approval was obtained from the Burleigh County Commission for installation of an automated management information system. The system will meet the recordkeeping, case management, calendaring, and financial recordkeeping responsibilities for the clerks of Bismarck Municipal Court, Burleigh County Court, and Burleigh County District Court.

Funds have been requested from the Attorney General's Office through a federal grant application to support this installation. This will provide a mechanism for ease of transfer of criminal history information and drivers licensing data to the affected state agencies.

District Court:

The judges of the district court again processed the largest caseload of any district in the state. With completion of the Burleigh County Courthouse, cases are being scheduled expeditiously. The average length of time from filing to disposition of contested civil matters is 21 months. The average length of time for noncontested civil matters was 4.8 months. Pleas of guilty take 70 days to process on the average.

Juvenile Court:

In 1986, 2208 children were referred to the Juvenile Court. Of this number 113 were in Burleigh County and 523 were from Morton County. There were 567 children referred back to the Bismarck-Mandan Police Youth Bureau for informal disposition. Approximately 1641 children were handled either informally or formally in Juvenile Court. There were 285 formal petitions filed in 1986. There were 1356 referrals processed informally. There were 67 temporary orders issued in which children were placed in temporary alternative settings outside of the parental home and were returned to their appropriate custodians without further formal intervention. There were 522 involved children who were alleged to be deprived.

Judicial Referees heard 572 Orders To Show Cause. This represents about one half of the total of matters actually set before the referee.

County Court:

During the year the Supreme Court approved the appointment of a part-time county judge to provide relief for the Burleigh County Court. This court, having the highest caseload of any court in the judicial district, was able to manage the high volume of cases with the additional appointment of a part-time county judge. This position became a full-time judgeship, effective January 1, 1987.

Clerk of Court:

State-wide recordkeeping practices have been approved by the North Dakota Supreme Court. These new recordkeeping practices provide for increased efficiencies in clerk's offices and are more cost effective than the use of the traditional bound registers of action and judgment books. The Clerk of Court in McLean County has adopted open-shelf filing using the new case numbering series approved by the Supreme Court. Burleigh County Court has initiated the new open-shelf filing as well as the use of the

new registers of civil and criminal actions which require less space and are much less costly than the more traditional recording practices.

Judicial Facilities:

Renovation of the Burleigh County Courthouse was completed. The County and District Courts now have three jury capable courtrooms and three nonjury courtrooms used by the five judges and the two judicial referees with offices in the Burleigh County Courthouse.

Consultation began with the Morton County Courthouse Planning Committee regarding space needs of the judiciary in the county. Requests have been made for the county commission to retain professional consultation for a complete assessment of the space needs in the county. There is need for at least one more jury capable courtroom, one nonjury courtroom, public and witness waiting areas, as well as office and recordkeeping space for Juvenile Court personnel and the Clerk's of Court functions.

SOUTH CENTRAL JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	3,646	3,517	+ 3.7
Civil	2,987	2,913	+ 2.5
Criminal	373	320	+ 16.6
Juvenile	286	284	+ .70
Cases Carried Over			
From Previous Year	1,496	1,475	+ 1.4
Civil	1,403	1,387	+ 1.2
Criminal	93	88	+ 5.7
Juvenile	—	—	—
Total Cases Docketed	5,142	4,992	+ 3
Civil	4,390	4,300	+ 2.1
Criminal	466	408	+ 14.2
Juvenile	286	284	+ .70
Dispositions	3,620	3,496	+ 3.5
Civil	2,982	2,897	+ 2.9
Criminal	352	315	+ 11.8
Juvenile	286	284	+ .70
Cases Pending as of			
December 31	1,522	1,496	+ 1.7
Civil	1,408	1,403	+ .36
Criminal	114	93	+ 22.6
Juvenile	—	—	—

Report of the Southwest Judicial District

The Honorable Maurice R. Hunke, Presiding Judge
Ardean Ouellette, Court Administrator

District Court Judges: Maurice R. Hunke, Presiding Judge; Allan L. Schmalenberger; and Donald L. Jorgensen.

County Court Judges: Tom Beyer; Ronald L. Hilden; and F. Gene Gruber.

Number of Counties in District: 8

District Court Chambers: Dickinson and Hettinger



Caseloads Increase:

The major portion of the increase in new cases was in the single category of mortgage foreclosures which were up 35%. The same economic circumstances causing such a high number of foreclosures may also be reflected in the family law area which had a modest increase in divorces and a startling jump of 85% in formal juvenile court proceedings, along with a less dramatic increase in informal juvenile cases. The danger inherent in prognosticating future caseload is proved by last year's report which incorrectly predicted that "the high number of mortgage foreclosures should decline and our overall caseload may be reduced moderately in the year ahead."

Personnel:

None of our three district judges, but all three county judges were up for election last year. County Court Judges Tom M. Beyer and F. Gene Gruber were re-elected without opposition. We extend congratulations to Stark County Judge Ronald L. Hilden who won his contested election.

During July Lorraine Scanson resigned. She was the first judicial secretary to serve in this District. Mrs. Scanson has accepted a position on the staff of Supreme Court Clerk Luella Dunn.

We were able to obtain an experienced legal secretary, Mrs. Carla Kolling, to replace Mrs. Scanson. Carla's prior experience with word processors has been a valuable asset during our transition to computerization.

Transition to Computers:

During 1986 we took a first but large step toward needed computerization. Two computers (with one shared printer) were installed in the Dickinson chambers along with a computer and printer at the Hettinger chambers. Features of our computer equipment are capacity, versatility, function and economy. Particularly considering economy, our combination of equipment might well serve as a model for other districts. Primary credit and our gratitude goes to District Judge Allan Schmalenberger and Court Administrator Ardean Ouellette for their months of study and work in selecting and installing the equipment at such great financial savings.

SOUTHWEST JUDICIAL DISTRICT CASELOAD FOR CALENDAR YEARS 1985 AND 1986

	1986	1985	Percent Difference
New Filings	1,532	1,384	+ 10.7
Civil	1,351	1,221	+ 10.7
Criminal	107	123	- 13.01
Juvenile	74	40	+ 85
Cases Carried Over			
From Previous Year	519	568	- 8.6
Civil	494	536	- 7.8
Criminal	25	32	- 21.9
Juvenile	—	—	—
Total Cases Docketed	2,051	1,952	+ 5.1
Civil	1,845	1,757	+ 5.01
Criminal	132	155	- 14.8
Juvenile	74	40	+ 85
Dispositions	1,411	1,433	- 1.5
Civil	1,240	1,263	- 1.8
Criminal	97	130	- 25.4
Juvenile	74	40	+ 85
Cases Pending as of			
December 31	640	519	+ 23.3
Civil	605	494	+ 22.5
Criminal	35	25	+ 40
Juvenile	—	—	—

County Courts

County courts in North Dakota underwent a major transformation in 1983. A new uniform system of county courts took effect on January 1, 1983, and replaced the previous three-tier county court system. The new county courts differ from the old county courts in three other major aspects: 1) all county courts are now courts of records; 2) all county judgeships are now full-time positions; and 3) all county judges now must be legally trained. Under the old county court system most of the county courts were not court of records and many of the county judgeships were part-time positions staffed by laymen rather than licensed attorneys. As was the case under the old county court system, county courts under the new county court system are still funded by the counties.

There are 26 county judges in North Dakota. Fourteen of these judges serve more than one county. The legislation creating the new county court system authorized counties to contract with one another for the services of a single county judge. Through their contractual arrangements, called multi-county agreements, four county judges serve a two-county area, six county judges provide judicial services to a three-county area and four county judges render judicial services to a four-county area. Eleven counties have a single county judge and one county, Cass County, has two county judges. Most of the multi-county courts operate within the boundaries of a single judicial district. In three instances, however, the multi-county courts cut across the boundary lines of more than one judicial district. In one of the instances, a county judge serves four counties located in three different judicial districts.

Another unique feature of the new county court system is the county magistrate. Because many county judges serve more than one county, they cannot always be in each county when they are needed. To insure continuity in judicial services in the judge's absence, the judge can appoint a magistrate to handle preliminary matters in the county until the judge returns. Through an administrative rule the Supreme Court has established the qualifications, authority, and procedures governing magistrates. In several counties, the county judge has appointed the clerk of the district court as the magistrate for that county.

Like the old county courts, the new county courts are limited jurisdiction courts. They have original and exclusive jurisdiction in probate, testamentary, guardianship, and mental health cases. They have concurrent jurisdiction with municipal courts in traffic cases and concurrent jurisdiction with the district courts in trust, criminal misdemeanor, and civil cases where the amount in controversy does not exceed \$10,000. County judges also preside at the preliminary hearing in criminal felony cases before the case is turned over to the district court. The presiding district judge of each judicial district may assign a county judge to hear any district court case filed in the district.

County courts also act as small claims court in North Dakota. The jurisdictional limit for a small claims case is \$1,500. There is no appeal from the decisions of the county court when it is ac-

ting in its capacity as a small claims court. All decisions of the county courts in such instances are final.

While the subject matter jurisdiction of the new county courts is equivalent to the subject matter jurisdiction of the old county courts, their jurisdictional limits are generally higher. For instance, no county courts under the old county court system had concurrent civil jurisdiction with district courts in cases where the amount of controversy exceeded \$1,000. As stated above, the concurrent jurisdiction of the new county courts is up to \$10,000. Similarly, the jurisdictional limit for small claims cases under the old county courts was \$1,000 compared to \$1,500 for the new county courts.

In establishing the new county court system, the Legislature vested county court judges with the same power and authority as district court judges. Moreover, the rules of practice and procedure governing district court proceedings also apply to county courts. Thus, both in terms of their jurisdiction and authority, county judges under the new county court system have greater judicial responsibilities and power than their predecessors.

Appeals from the county court go directly to the Supreme Court. Under the old county court systems appeals from the county justice and county court went to the district court while all appeals from county courts of increased jurisdiction went to the supreme court with the exception of probate cases, which were appealable to the district court.

In addition to its trial court duties, county courts also serve as the appellate courts for appeals from municipal courts. All appeals for municipal courts to county courts are trial *de novo* appeals. In other words, when a municipal court case is appealed to the county court, a new trial is held in the county court. New trials are required in county courts because municipal courts do not maintain official records of their proceedings.

The office of county judge is an elected position filled every four years in a nonpartisan election. If a vacancy occurs, the county commissioners can either fill the vacancy by selecting a candidate from a list of nominees submitted by a Judicial Nominating Committee or by calling a special election to fill the vacancy. If the vacancy is filled by the nomination process, the appointed judge only serves until the next general election, at which time the office is filled by election for the remainder of the term. In those counties which share the services of a county judge, the judge is elected by the eligible voters of the participating counties. The appointment of a county judge to serve a multi-county area must be approved by a majority vote of each board of county commissioners of the affected counties.

In counties with a population over 25,000, the county judge has the authority to appoint a clerk of county court. In counties with a population less than 25,000 the clerk of district court also serves as the clerk of county court.

COUNTY JUDGES AND COUNTY COURT MULTI-COUNTY AGREEMENT AREAS
1986



County Court Caseload

The breakdown of the county court caseload showed little change in the composition of county court dockets. The caseload continues to be predominately noncriminal traffic, followed by criminal, small claims, other civil and probate.

Overall, the number of filing and dispositions increased slightly in 1986. The bulk of this increase can be attributed to 1,700 more

noncriminal traffic cases. Civil filings decreased 9.3% in 1986.

The number of mental health hearings and preliminary hearings in felony cases remained stable.

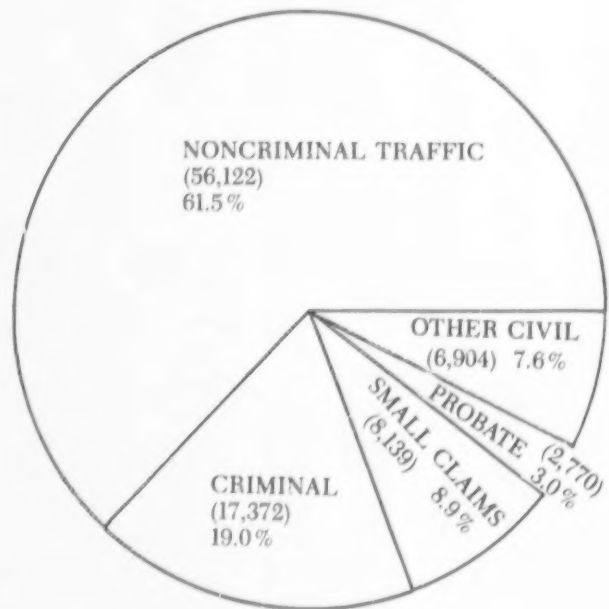
For the first time in several years, the number of small claim filings decreased (about 8%).

SYNOPSIS OF COUNTY COURT'S CASELOAD FOR 1985 AND 1986

	1986	1985	Percent Difference
New Filings.....	91,307	90,977	+ .4
Civil	17,813	19,629	- 9.3
Criminal	17,372	16,959	+ 2.4
Noncriminal Traffic	56,122	54,389	+ 3.2
Cases Carried Over			
From Previous Year	18,443	18,284	+ .9
Civil	17,896	16,946	+ 5.6
Criminal	547	1,338	-59.1
Noncriminal Traffic	—	—	-0-
Total Cases Docketed	109,750	109,261	+ .4
Civil	35,709	36,575	- 2.4
Criminal	17,919	18,297	-2.1
Noncriminal Traffic	56,122	54,389	+ 3.2
Dispositions	91,412	90,818	+ .7
Civil	17,277	18,679	- 7.5
Criminal	18,013	17,750	+ 1.5
Noncriminal Traffic	56,122	54,389	+ 3.2
Cases Pending as of			
December 31	18,338	18,443	- .6
Civil	18,432	17,896	+ 3.0
Criminal	4,826*	547	N/A*
Noncriminal Traffic	—	—	-0-

*A new method of calculating pending cases is used which more accurately reflects cases where warrants have been issued. Comparisons with previous years data will therefore be inaccurate.

TYPES OF CASES FILED IN THE COUNTY COURT IN 1986



**COUNTY COURT FILINGS AND DISPOSITIONS
FOR 1986**

	Felony		Misdemeanor		Total Non- criminal Traffic	Small Claims		Probate		Guardianship/ Conservatorship		Other Civil		Mental Health & Emerg. Commit.
	(F)	(D)	(F)	(D)		(F)	(D)	(F)	(D)	(F)	(D)	(F)	(D)	
Adams	0	2	56	46	187	51	53	26	15	5	4	60	51	5
Barnes	51	66	543	693	1,905	253	247	82	21	8	0	39	38	21
Benson	5	5	153	183	886	60	65	25	17	5	0	40	37	7
Billings	0	3	54	55	615	6	5	7	0	0	0	8	7	8
Bottineau	14	12	219	220	703	82	91	61	48	1	1	72	68	26
Bowman	2	1	37	44	177	46	53	45	42	1	2	40	29	1
Burke	2	2	130	129	214	37	39	46	86	3	1	31	29	0
Burleigh	224	220	1,078	1,131	4,411	579	597	122	107	28	25	597	606	108
Cass	189	211	1,677	1,917	4,397	1,508	1,526	195	145	62	29	861	824	276
Cavalier	10	15	157	144	611	41	41	68	52	10	0	35	21	7
Dickey	7	8	98	99	314	131	130	35	20	11	1	39	39	0
Divide	6	9	70	78	239	33	33	34	37	6	6	18	18	1
Dunn	11	11	149	168	229	31	12	39	22	3	0	26	20	0
Eddy	2	2	52	49	106	60	65	20	3	1	3	3	1	5
Emmons	1	2	84	92	511	64	63	32	12	6	2	15	17	6
Foster	3	2	115	104	485	106	99	20	5	3	1	23	27	0
Golden Valley	3	5	16	16	162	21	10	23	16	17	0	6	8	9
Grand Forks	241	258	1,895	1,736	5,613	635	603	154	77	52	7	152	151	79
Grant	1	1	3	3	109	43	43	30	22	0	0	5	3	3
Griggs	7	9	159	160	578	29	32	21	28	3	0	13	14	2
Hettinger	2	3	24	37	218	22	23	34	19	6	0	22	18	3
Kidder	1	1	98	94	1,569	28	30	24	15	1	1	27	25	0
LaMoure	10	10	37	34	450	63	71	40	33	1	0	38	37	4
Logan	2	3	26	26	147	17	15	17	14	1	1	12	10	0
McHenry	12	16	134	111	628	63	69	53	28	2	1	51	51	5
McIntosh	6	8	43	29	176	21	24	33	60	1	0	9	10	3
McKenzie	18	18	207	214	1,299	112	128	76	44	7	0	42	43	13
McLean	23	26	278	304	1,856	55	62	48	20	7	1	52	50	15
Mercer	18	39	320	388	919	137	123	33	29	15	0	79	90	21
Morton	62	58	549	566	3,835	364	338	90	952	46	2	276	256	40
Mountrail	19	14	147	124	611	138	140	65	67	15	0	40	36	9
Nelson	4	1	92*	89	1,019	50	56	45	25	3	1	20	17	5
Oliver	9	7	33	36	247	11	11	7	5	2	0	12	12	1
Pembina	14	12	217	181	648	61	61	66	101	9	2	102	95	10
Pierce	8	10	173	166	771	112	101	50	47	33	44	34	32	5
Ramsey	37	39	769	764	2,834	209	198	55	52	11	1	61	58	26
Ransom	6	6	132	130	383	83	84	29	19	2	1	21	19	11
Renville	0	0	34	39	161	24	15	42	39	2	0	15	13	0
Richland	38	40	296	299	1,701	281	253	78	67	8	4	88	75	27
Rolette	30	30	270	307	652	66	70	49	25	13	3	32	34	5
Sargent	7	7	47	59	212	80	73	25	17	4	3	8	9	1
Sheridan	3	3	27	25	61	27	26	18	21	1	0	12	10	2
Sioux	0	0	0	0	5	0	0	0	0	0	0	1	0	0
Slope	1	2	16	15	103	5	5	11	14	2	2	9	7	0
Stark	64	73	914	932	2,717	417	423	82	47	26	0	352	337	45
Steele	1	1	47	51	231	12	13	18	11	0	0	15	15	2
Stutsman	52	52	1,131	1,073	2,239	248	231	63	48	18	1	217	212	169
Towner	29	27	166	154	624	59	70	37	27	10	0	21	28	1
Traill	15	18	223	221	613	150	152	61	54	9	0	51	49	6
Walsh	32	28	804	881	1,114	215	202	94	72	124	5	289	279	48
Ward	103	151	861	980	2,984	746	782	169	63	33	36	464	436	204
Wells	6	5	96	83	582	59	59	41	38	9	4	40	39	3
Williams	120	129	714	853	2,061	388	375	132	127	33	0	313	290	69
TOTAL	1,531	1,681	15,670	16,332	56,122	8,139	8,090	2,770	2,975	679	195	4,908	4,700	1,317

Municipal Courts

There are approximately 360 incorporated cities in North Dakota. Of the total municipalities, 155 cities have municipal courts. There are approximately 142 judges serving these 155 municipalities. State law permits an individual to serve more than one city as a municipal judge.

In 1981 the Legislature amended the state law pertaining to municipalities to allow each municipality the option of deciding whether or not to have a municipal judge. Before this amendment, all incorporated municipalities were required to establish a municipal court. Despite this requirement, those incorporated cities which did not have a police force tended not to have a municipal court.

The municipal judges have exclusive jurisdiction of all violations of municipal ordinances, except certain violations involving juveniles. Violations of state law are not within the jurisdiction of the municipal courts.

A municipal judge is elected for a four-year term. He must be a qualified elector of the city, except in cities with a population below 3,000. In cities with a population of 3,000 or more the municipal judge is required to be a licensed attorney unless an attorney is unavailable or not interested in serving. At present, there are approximately 23 legally-trained and 132 lay municipal judges in the state.

State law requires that each municipal judge attend at least one educational seminar per calendar year conducted by the supreme court. If a municipal judge fails to meet this require-

ment without an excused absence from the supreme court, his name is referred to the Judicial Conduct Commission for such disciplinary action as is deemed appropriate by the Commission.

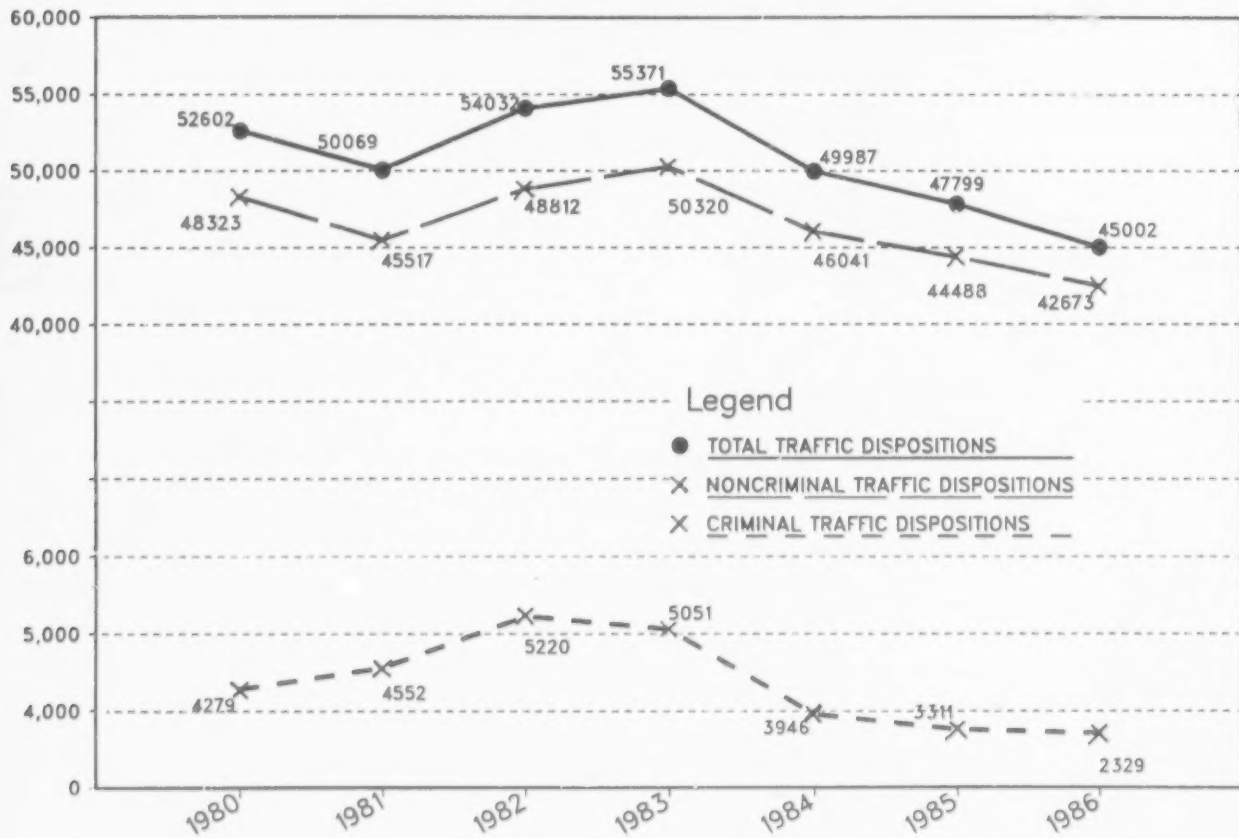
Most of the municipal courts' traffic caseload are noncriminal traffic cases or administrative traffic cases. While these cases greatly outnumber the criminal traffic cases, they generally take much less time to process. There is not only a lesser burden of proof in noncriminal traffic cases than in criminal cases, but most noncriminal traffic cases are disposed of by bond forfeitures. While no judge time is needed to process bond forfeitures, support personnel in the clerk's office must account for every citation received by the court.

Although criminal traffic cases compose only about 6 percent of the municipal courts' caseload, they require more time and resources for their disposition than noncriminal traffic cases. Litigants are more likely to demand a trial in criminal traffic cases since the penalties for violation of criminal traffic laws are more severe than violations of noncriminal traffic laws. Moreover, the prosecutor also has a greater burden of proof in criminal traffic cases than in noncriminal traffic cases. Whereas in noncriminal traffic cases the prosecutor has only to demonstrate a preponderance of evidence for conviction, in criminal traffic cases the prosecutor must prove each element of the charge beyond a reasonable doubt.

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR CALENDAR YEARS 1985 AND 1986

Ten Municipalities With Highest Case Volume	Criminal Traffic Dispositions		Noncriminal Traffic Dispositions		Total Traffic Dispositions		Percent Difference
	1986	1985	1986	1985	1986	1985	
Bismarck	274	283	6,247	5,669	6,521	5,952	+9.6
Dickinson	60	101	1,661	1,498	1,721	1,599	+7.6
Fargo	314	380	7,513	8,582	7,827	8,962	-12.7
Grand Forks	334	422	2,130	2,233	2,464	2,655	-7.2
Jamestown	83	92	2,821	2,829	2,904	2,921	-.58
Mandan	119	96	4,049	1,942	4,168	2,038	+104.5
Minot	224	258	5,534	6,117	5,758	6,375	-9.7
Wahpeton	78	119	749	755	827	874	-5.4
West Fargo	102	106	796	833	898	939	-4.4
Williston	173	335	3,085	4,385	3,258	4,720	-31
TOTAL	1,761	2,192	34,585	34,843	36,346	37,035	-1.9

COMPARISON OF MUNICIPAL COURT TRAFFIC DISPOSITIONS FOR 1980-1986



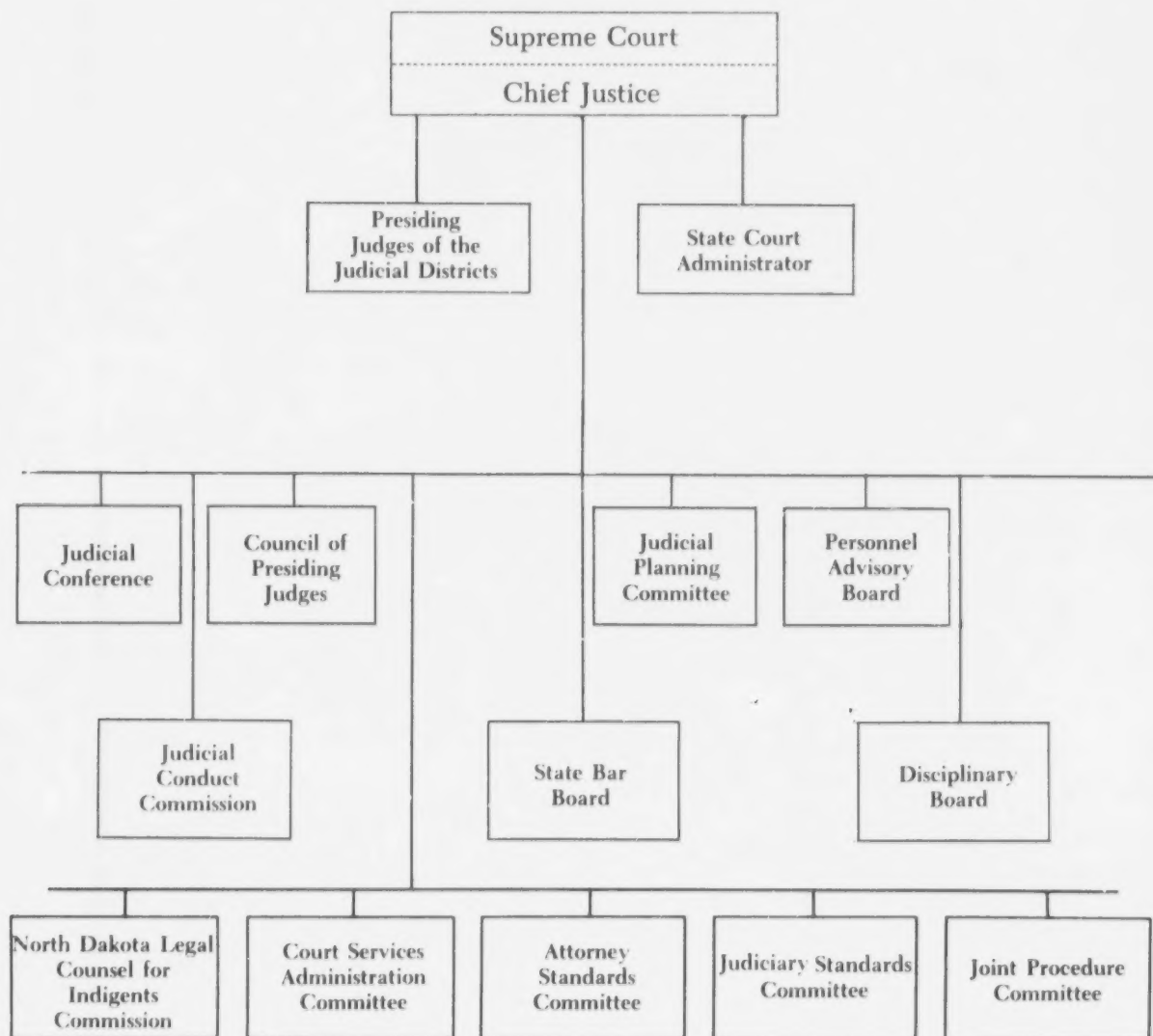
Administration of the Judicial System

Ultimate responsibility for the efficient and effective operation of the judicial system resides with the Supreme Court. The constitution has emphasized the Supreme Court's administrative responsibility for the judicial system by designating the chief justice as the administrative head of the judicial system. In addition, the state constitution also grants the Supreme Court supervisory authority over the legal profession. Article VI, Section 3 states that the Supreme Court shall have the authority, "unless otherwise provided by law, to promulgate rules and regulations for the admission to practice, conduct, disciplining, and disbarment of attorneys at law."

To help it fulfill these administrative and supervisory responsibilities, the Supreme Court relies upon the state court administrator, presiding judges, and various advisory committees, commissions and boards. The functions and activities of these various bodies during 1986 are described in the subsequent pages of this report.

A diagram of the administrative organization of the North Dakota judicial system is provided below.

ADMINISTRATIVE ORGANIZATION OF THE NORTH DAKOTA JUDICIAL SYSTEM



Office of State Court Administrator

Article VI, Section 3 of the North Dakota Constitution authorizes the chief justice of the Supreme Court to appoint a court administrator for the unified judicial system. Pursuant to this constitutional authority, the Supreme Court has outlined the powers, duties, qualifications and term of the state court administrator in an administrative rule. The duties delegated to the state court administrator include assisting the Supreme Court in the preparation of the judicial budget, providing for judicial education services, coordinating technical assistance to all levels of courts, planning for statewide judicial needs, and administering a personnel system.

Judicial Education:

Under the guidance and supervision of the Judicial Conference Committee on Judicial Training, the Office of State Court Administrator develops and coordinates training programs for all levels of judicial and court support personnel. In addition, a number of other professional development and information activities are coordinated and conducted under the auspices of the State Court Administrator. These activities are described in greater detail in the section of this report which discusses the activities of the committee.

Research and Planning:

Staff services are provided to the Judicial Planning Committee and other advisory committees of the Supreme Court by the planning staff in the State Court Administrator's office. The duties of these staff personnel include research, bill drafting, rule drafting, arrangement of committee meetings, and such other tasks that are assigned by the various committees. Specific activities and projects of the different Supreme Court standing committees are provided in a latter section of this report.

Personnel Management:

The state funding of most district court employees in 1981 significantly increased the personnel management responsibilities of the State Court Administrator. To insure uniformity in personnel administration across districts, personnel policies and a pay and classification plan for district court employees were developed under the direction of the State Court Administrator.

Fiscal Responsibilities:

One of the State Court Administrator's primary administrative responsibilities is the management of the judicial budget. As the budget director for the judicial system, he is responsible for the coordination and preparation of the Supreme Court and District Court budgets, preparation and analysis of monthly budget status reports, the development of budgetary policies for the judiciary, and the maintenance of payroll records for judges and court personnel.

Even with the addition of most District Court expenses to the judicial budget, the judicial budget constitutes only a small portion of the state's total budget for the 1985-87 biennium. However, this is not to say that the budgetary impact of the additional expenses has been minimal. Since the absorption of most district court expenses by the state in 1981, the judicial portion of the state's budget has doubled.

The impact of the state's funding of nearly all District Court expenses can also be seen in the way in which the judicial budget is allocated. Whereas the Supreme Court portion of the judicial budget used to be over 40 percent, now it is less than 23 percent.

In viewing the judicial budget, it should be noted that it does not include the salaries of district court clerks and deputy clerks or any county court or municipal court expenditures. District court clerk expenses and county court expenses are funded by county government in North Dakota. Likewise, municipal courts are funded by the particular municipalities they serve.

JUDICIAL PORTION OF THE STATE'S BUDGET 1985-1987 BIENNIUM

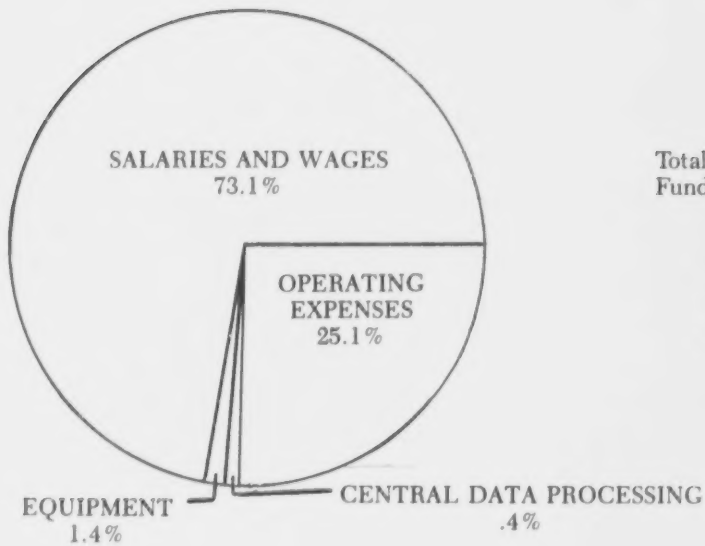
Total General and Special Funds Appropriation
\$2,467,962,453

Judicial System General and Special Funds
Appropriation
\$20,335,031

STATE JUDICIAL SYSTEM
0.8%



**STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF ACTIVITY
1985-1987 BIENNIUM**



Total Judicial System General and Special
Funds Appropriation
\$20,335,031

Salaries and Wages	\$14,857,534
Operating Expenses	5,105,173
Central Data Processing	88,921
Equipment	283,403

**STATE JUDICIAL SYSTEM APPROPRIATION
BY TYPE OF COURT
1985-1987 BIENNIUM**

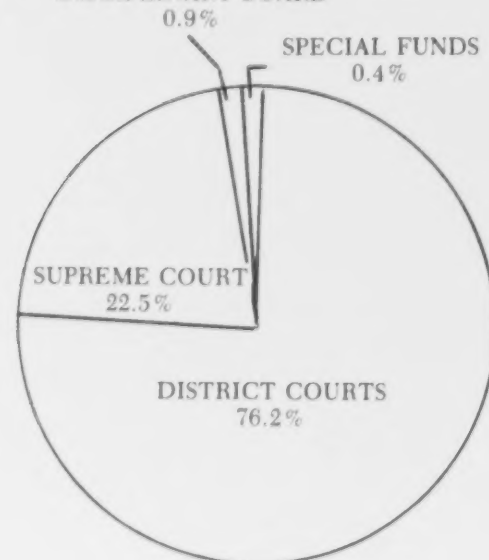
Supreme Court	
General Fund	\$4,568,810
Special Funds	20,000
TOTAL	\$4,588,810

District Courts	
General Fund	\$15,492,816
Special Funds	—
TOTAL	\$15,492,816

Judicial Conduct Commission & Disciplinary Board	
General Fund	\$ 183,405
Special Funds	70,000*
TOTAL	\$ 253,405

*Special funds received include federal grant funds, funds from the State Bar Association for Disciplinary procedures, and funds from the ABA.

**JUDICIAL CONDUCT COMMISSION &
DISCIPLINARY BOARD**



Advisory Committees of the North Dakota Judicial System

To assist in its administrative supervision of the North Dakota Judicial System the Supreme Court utilizes the services of numerous advisory committees. These committees address specific problem areas within their study jurisdiction and make recommendations on the resolution of these problems to the Supreme Court.

Four of these committees—the Joint Procedure Committee, the Attorney Standards Committee, the Judiciary Standards Committee, and the Court Services Administration Committee—were established by the Supreme Court in 1978 as an essential part of its rulemaking process (NDRPR). One of these committees, the Joint Procedure Committee, existed before the Supreme Court adopted its rulemaking process, but was incorporated into the advisory committee structure created by the Supreme Court rulemaking process.

Other committees of the judicial system include the Judicial Planning Committee, the Personnel Advisory Board, the Special Committee on Judicial Training, the North Dakota Legal Counsel for Indigents Commission, and the Council of Presiding Judges. All of these committees contribute to the improvement of court services in North Dakota. Special committees established to address timely issues include the Constitutional Celebration Committee and the Civil Legal Services Study Committee.

Summaries of the activities of these committees during 1986 are provided below.

Judicial Planning Committee:

The Judicial Planning Committee is the forum for overall planning for judicial services in North Dakota. It is chaired by Justice Beryl J. Levine and its membership includes representatives of presiding judges, attorneys, district judges, county judges, municipal judges, court support personnel, and the public. The role of the Committee is to identify, describe and clarify problem areas which can be referred to judicial leaders and other standing committees for resolution.

As part of its planning process, the Committee prepares a Judicial Master Program for each biennium which sets the goals, objectives and tasks for the North Dakota Judicial System during that biennium.

Much of the Committee's efforts during 1986 were spent in preparing the **Judicial Master Program for the Biennium Ending June 30, 1989**. This Judicial Master Program was based on the local judicial district plans submitted to the Committee and the results of opinion surveys of the public and judicial system personnel as prepared by the Bureau of Governmental Affairs of the University of North Dakota (North Dakota Survey of Courts, Judges and Law-Related Issues, Judicial Personnel Survey, Bureau of Governmental Affairs, February 17-20, 1986; and, North Dakota Survey of Courts, Judges and Law-Related Issues, Public Survey, Bureau of Governmental Affairs, February 10-13, 1986.)

During 1986 the Court Services for Victims and Witnesses of Crime Subcommittee, chaired by Irv Nodland of Bismarck, contributed its report to the work of the Governor's, Attorney General's and Supreme Court's Commission on Victims and Witnesses of Crime. The Subcommittee helped to raise awareness of the needs for courteous treatment, notice of legal proceedings, and assistance to victims and witnesses of crime without adversely affecting the rights of defendants in criminal cases.

The Municipal Court Study Subcommittee, chaired by Calvin N. Rolfsen of Bismarck, prepared legislation for consideration by the 1987 Legislature and distributed minimum standards for municipal courts to assist in improving municipal court services.

Joint Procedure Committee — Justice H.F. "Sparky" Gierke, Chairman: During the year, the committee:

(1) Submitted the rules adopted by the Supreme Court effective March 1, 1986, to West Publishing Company for publication. Distributed the North Dakota Court Rules 1986 Desk Copy to the district and county courts.

(2) Approved amendments to the rules which track the 1985 and 1986 Federal amendments.

(3) Approved amendments to Rule 38(c), NDR CivP, 48(b), NDR CivP, and 23(b), NDR CrimP, to reflect statutory amendments. Rule 23(b) would supersede the criminal jury statute in part due to the fact that the Constitution provides that a person accused of a crime for which he may be confined for a period of more than one year has the right to a jury of twelve.

(4) Approved amendments to Rules 58, NDR CivP, and 68, NDR CivP, which eliminates reference to judgment book. Also, the amendment to Rule 68, NDR CivP, allows statements of confession of judgments to be filed in county court as well as in district court.

(5) Approved an amendment to Rule 5(d) (4), NDR CivP, which provides that the clerk of court must not accept for filing any document that adds a party to the action or proceeding without an order of the court or pursuant to Rule 14. This amendment is intended to curb the adding of parties of a lawsuit by way of caption.

(6) Approved an amendment to Rule 30(a) (b) (c), NDR AppP, which delineates what must be contained in the appendix to the appellate brief.

(7) Approved an amendment to Rule 28(c), NDR AppP, which would require that a table of authorities be filed with a reply brief.

Attorney Standards Committee:

The Attorney Standards Committee studies and reviews all rules relating to attorney supervision. Vern C. Neff of Williston chairs the Committee.

In 1983 the Committee initiated a major subcommittee study, chaired by Christine Hogan of Bismarck, of the American Bar Association Model Rules of Professional Conduct in cooperation with the State Bar Association of North Dakota and the North Dakota Trial Lawyers' Association. The study was completed in 1986 and recommended by the Committee and by the State Bar Association of North Dakota to the North Dakota Supreme Court for review.

In 1984 the Committee and the Disciplinary Board of the North Dakota Supreme Court appointed a special committee, chaired by Mark Stenehjerm of Williston, to conduct a study of the lawyer discipline process in North Dakota. The Attorney Standards Committee approved the special committee's report in 1986 which includes substantial revisions of the Rules of Disciplinary Procedure and is before the Supreme Court for review. The IOLTA program, if implemented, will require that lawyers place client funds in interest bearing trust accounts. The interest generated from such accounts would be remitted either to the client, if feasible, or to the Bar Foundation for use in supporting civil legal service programs for the poor and other law related projects.

In 1986 the State Bar Association of North Dakota withdrew its petition for the establishment of a lawyer specialization plan in North Dakota.

In 1985 the Attorney Standards Committee initiated a study of an Interest on Lawyers' Trust Account Program (IOLTA) for North Dakota. The report and proposed administrative rule to implement an IOLTA program in North Dakota was submitted in 1986 to the North Dakota Supreme Court.

In 1986, the Supreme Court adopted amendments to the Limited Practice of Law by Law Students Rules which removed the right of opposing counsel to veto participation of law students in a case and revisions to the Rules for Continuing Professional Education of the Members of the Bar and the Admission to Practice Rules which charged the CLE reporting periods for attorneys and streamlined the procedures for enforcing compliance by attorneys with the CLE requirements.

Judiciary Standards Committee:

The Judiciary Standards Committee, chaired by Jane Voglewede of Fargo, studies and reviews all rules relating to the supervision of the judiciary including judicial discipline, judicial ethics, and the judicial nominating process.

During 1986, the Committee continued its efforts toward the implementation of a judicial advisory service within the Judicial Conference of North Dakota. The Committee continued its study, initiated in 1985, of the campaign and political conduct provisions of the Rules of Judicial Conduct. In 1986, the Committee approved amendments to the part-time judge provisions of the Rules of Judicial Conduct to clarify the application of the Rules to all part-time judges in the state and initiated a study of the retired judge provisions of the Rules. It is expected that the Committee will submit its recommendations concerning these projects to the Supreme Court in 1987.

The 1985 proposal of the Committee to the Supreme Court to amend Administrative Rule 7 to designate separate county judgeships for those counties which authorize more than one county judge to serve in a county was superseded by the Supreme Court's interpretation of the law to require county commissions to decide the issue of separate judgeships for these county judges.

Court Services Administration Committee:

The Court Services Administration Committee studies and reviews all rules and orders relating to administrative supervision of the North Dakota Judicial System. It is chaired by William A. Strutz of Bismarck.

Through the Future Appellate Court Services Study Subcommittee, chaired by Rep. William Kretschmar of Venturia, the Committee prepared legislation to establish a court of appeals in North Dakota and a proposed administrative rule to aid in its implementation.

Through the County Court and Clerk of District Court Funding Study Subcommittee, chaired by Judge Jonal Uglem of Hillsboro, the Committee concluded to terminate its study of possible state funding of county court services and clerk of district court services in North Dakota. The Subcommittee continued its study of court costs and fines.

Through the Court Records Management Study Subcommittee, chaired by Ted Gladden of Bismarck, the Committee approved the Subcommittee proposed North Dakota Clerk of Court Manual to establish uniform and efficient recordkeeping forms and procedures for clerks of district court and county court in North Dakota. The Subcommittee initiated a study of recordkeeping procedures for child support proceedings.

Through the Personnel Subcommittee, chaired by Prof. Marcia O'Kelly of Grand Forks, the Committee initiated a study of the place and due process procedures for "at pleasure" status employees in the North Dakota Judicial System.

During 1986 the Committee also prepared a Legislative Council study resolution relating to sentencing statutes in North Dakota and proposed legislation to permit the Supreme Court to designate officials to administer oaths and to provide respondent anonymity in mental health commitment proceedings.

Personnel Advisory Board:

The Personnel Advisory Board was created by the Supreme Court on January 21, 1982, and reconstituted by the Supreme Court on July 27, 1984. The Board consists of the state court administrator, three district court employees, and three supreme court employees. The state court administrator is an ex officio member of the Board while the other six employees are appointed to the Board by the Chief Justice. The Chief Justice also designates the chairperson of the Board from among its membership.

The Board serves as an advisory body to the Chief Justice and the Supreme Court; it has no independent decisionmaking authority. In this capacity the Board has two primary functions:

- 1) To develop personnel policies for the North Dakota judicial system; and
- 2) To serve as a review board for employee grievances, reclassification requests, and other personnel matters.

During 1986 the Board undertook an array of new projects. It developed a performance evaluation form and began drafting a performance evaluation policy in an effort to establish a performance evaluation system for judicial employees. It proposed a discipline policy to the Supreme Court for consideration and reviewed the existing policy and practice of granting reclassification salary increases. At the end of the year the Board initiated an evaluation of the judiciary's pay and classification system to determine the need for revisions to reflect changes in legislation, administrative rules, and job requirements. Upon its recommendation the Supreme Court adopted policies on overtime compensation and minimum wages for bailiffs which comply with recent amendments to the Fair Labor Standards Act.

In exercising its review function, the Board conducted ten reclassification reviews during 1986 and recommended that each reclassification request be granted. The Chief Justice followed the Board's recommendation in all ten cases.

Judicial Training Committee:

The Judicial Training Committee is a committee of the North Dakota Judicial Conference. It has fourteen members representing a cross-section of judges and court personnel. Judge Larry Hatch, a district court judge in the South Central Judicial District, is the current chairman of the committee.

The committee is primarily responsible for providing seminars and other educational tools which meet the professional needs of judges and court personnel of the North Dakota Judicial System. In addition to its program development function, the Committee also has a variety of other duties. They include:

- 1) Development of a biennial training budget for instate and out-of-state training programs;
- 2) Monitoring training costs and programs to promote cost effectiveness;
- 3) Designation of approved out-of-state professional development programs and sponsors; and
- 4) Drafting and reviewing appropriate legislation and court rules relating to judicial training.

Because of anticipated shortfalls in state revenues, the training budget for the 1985-87 biennium was reduced by approximately 70%. As a result, only four of the twelve scheduled programs for 1986 were conducted. These programs were attended by 57 judges and 124 court personnel. One of these programs, the Municipal Judges Institute, was conducted with financial support from a federal grant.

To help clarify its duties and responsibilities, the Judicial Training Committee developed bylaws defining its role and training mandate. The Judicial Conference endorsed the bylaws at its November meeting.

During 1986 the Committee also developed a training budget for the 1987-89 biennium. The budget was submitted to the Judicial Conference for review before submission to the Supreme Court for inclusion in the state judiciary budget.

Council of Presiding Judges:

The Council of Presiding Judges consists of the presiding judge of each of the seven judicial districts with the chairman being named by the Chief Justice. Present members of the Council are: The Honorable Douglas B. Heen, Chief Presiding Judge; The Honorable A.C. Bakken; The Honorable Norman J. Backes; The Honorable Benny A. Graff; The Honorable Maurice R. Hunke; The Honorable Wallace D. Berning.

The role of the Council of Presiding Judges centers primarily in the area of budgets and caseloads with the responsibility for insuring that the business of the courts is handled with dispatch and efficiency. The Council meets on call of the chairman. In attendance at each meeting is the chief justice, the state court administrator, and the trial court administrators. The state court administrator's staff acts as staff to the Council.

In 1986, the Council of Presiding Judges met four times. At each meeting there was a review of the district court budgets as they related to the legislative appropriation in the various program areas within the district courts. During 1986, at the request

of the governor, the judicial branch, including the district courts, was asked to reduce their general fund appropriation by 4% and 6%. The Council of Presiding Judges reviewed the budgets to determine where they could be reduced and made recommendations to the Supreme Court to meet those objectives.

Some other major issues that came before the presiding judges in 1986 were matters such as the continuation of liability insurance coverage for district judges and referees, development of budgets for the 1987-89 biennium, proposed legislation having impact on the district courts, and the fiscal impact of providing payment for court-appointed lawyers for indigent persons in civil matters.

North Dakota Legal Counsel for Indigents Commission:

The North Dakota Legal Counsel for Indigents Commission is composed of seven members who are nominated by the North Dakota Association of counties, the Chief Presiding District Court Judge, the Board of Governors of the State Bar Association, and the Attorney General, and appointed by the Chief Justice. Judge Gail Hagerty of Bismarck serves as chair of the Commission.

The Commission provides rules and guidelines for the administration of indigent defense services in criminal cases in North Dakota. It provides a mechanism for the resolution of counsel fee disputes between judges and court appointed attorneys or contract attorneys who are representing indigent defendants in criminal, mental health and juvenile cases. The Commission also provides technical assistance concerning indigent defense services to judicial districts, counties, and municipalities.

The funds appropriated by the Legislature for indigent defense services in criminal and juvenile proceedings in the district courts of North Dakota are administered by each of the seven judicial districts through the Office of the State Court Administrator. Each

county and municipality in the state is responsible for funding the indigent defense expenses that arise in the criminal and mental health proceedings in each county and criminal cases in municipal court.

In 1986 the Commission proposed legislation to clarify the responsibility of municipalities for funding the indigent defense costs incurred in appealing a municipal court decision to county court and to remove the requirement that state's attorneys seek court approval before initiating proceedings to recoup indigent defense costs from defendants who have acquired the means to reimburse the state or county.

The Commission issued revised indigent defense procedures and guidelines for use by all judges.

The Commission also explored training programs for criminal defense attorneys and continued efforts to develop guidelines to assist the judicial districts, counties and cities in the development of indigent defense counsel contracts.

Civil Legal Services Committee:

The Civil Legal Services Study Committee, chaired by Judge Joel Medd of Grand Forks, in cooperation with the State Bar Association of North Dakota, pursued its study of mechanisms for the future provision of civil legal services in North Dakota.

Constitutional Celebration Committee:

The Constitutional Celebration Committee, chaired by Justice Herbert L. Meschke, was established to assist and encourage preparation for the celebration of the Bicentennial of the U.S. Constitution during 1987-1991 and the Centennial of the North Dakota Constitution in 1989. The Committee is made up of judges, attorneys, legislators, and civic leaders.

Disciplinary Board

The Disciplinary Board of the Supreme Court has responsibility for handling complaints alleging unethical conduct by North Dakota attorneys.

There are seven lawyer and three non-lawyer members of the Board, as follows: Robert Vaaler, Grand Forks, Chairman; Mike L. Halpern, Glen Ullin, Vice Chairman; Sandi Lang Frenzel, Dickinson; Dann E. Greenwood, Dickinson; Lewis C. Jorgenson, Devils Lake; J. Michael Nilles, Fargo; Maynard Sandberg, Minot; Charles R. Volk, Bismarck; Al A. Wahl, Williston; James A. Wright, Jamestown; Luella Dunn, Clerk of the Supreme Court serves as the secretary for the Board. Disciplinary Counsel is Vivian E. Berg.

Complaints against attorneys are docketed by the secretary and forwarded to the chairman and either to the chairman of the Inquiry Committee East or of Inquiry Committee West of the State Bar Association. An investigation is then conducted by a member of the respective committees or disciplinary counsel. All parties to a complaint have the right to appear before the Inquiry Committee.

The Inquiry Committee may dismiss or may recommend discipline to the Disciplinary Board. The Board may also dismiss, or it may issue a private reprimand, in which event the attorney may request a formal hearing. If the Disciplinary Board recommends a public reprimand, suspension, or disbarment, the matter proceeds much as a civil case. It is heard generally by a three-member hearing panel, although it may be set before a hearing officer or the Board en banc.

A hearing panel may also dismiss or refer to the Disciplinary Board for private reprimand. If a greater sanction is recommended, the matter is presented to the Supreme Court with briefs and oral argument. Review is de novo on the record and the standard of proof for the Disciplinary Board is clear and convincing evidence.

Following is a summary of complaints handled by the Disciplinary Board in 1986.

SUMMARY OF DISCIPLINARY BOARD COMPLAINTS FOR THE YEAR 1986

New complaints filed for the period	140
General nature of new complaints filed:	
Advertising and Solicitation	2
Client funds and property	9
Conflict of interest	8
Continuing Legal Education requirements	13
Criminal conviction	2
Excessive Fees	4
Failure to Communicate with Client	12
Improper Conduct	53
Incompetent Representation	29
Misrepresentation/Fraud	7
Unauthorized Practice of Law	1
TOTAL	140
Disciplinary proceedings pending from prior years	27
Complaints carried over from previous year	36
Total complaints for consideration	203
Disposition of Complaints:	
Dismissed by Inquiry Committee	102
Dismissed by Disciplinary Board	9
Dismissed by Hearing Panel	1
* Disability Inactive Status	2
Public Reprimands issued	1
Private Reprimands issued	4
* Suspension	2
Disciplinary Proceedings instituted and pending	23
Complaints pending 12/31/85	59
TOTAL	203

* One individual having two complaints against him was transferred to disability inactive status.

** Two separate complaints against one individual resulted in suspension.

Judicial Conduct Commission

The Judicial Conduct Commission was established by the legislature in 1975 with the enactment of Chapter 27-23 of the North Dakota Century Code. It is empowered to investigate complaints against any judge in the state and to conduct hearings concerning the discipline, removal, or retirement of any judge.

The seven members of the Commission include one district judge, one county judge, one attorney, and four citizen members. Members of the Commission are Louise Sherman, Dickinson, Chairman; Ernest Pyle, West Fargo, Vice Chairman; Norene Bunker, Fargo; Nathan Paul Goodiron, Mandaree; Honorable Gary A. Holum, Minot; Honorable William A. Neumann, Rugby; and Fred E. Whisenand, Williston. The Clerk of the Supreme Court, Luella Dunn, is Secretary for the Commission. Staff Counsel is Vivian E. Berg.

Complaints against judges are filed with the Commission's secretary, who acknowledges their receipt and forwards them to staff counsel for investigation. The judge against whom the complaint is filed is given notice and provided an opportunity to present such matters as he or she may choose.

By far the majority of complaints are dismissed as being without merit. However, the Commission may issue a private censure or direct that formal proceedings be instituted. If formal proceedings are instituted, the matter may be heard by the Commission or by a master or masters appointed by the Supreme Court.

The following table summarizing the nature and disposition of complaints in 1986 suggests that many complaints reflect matters properly the subject of appellate review.

JUDICIAL CONDUCT COMMISSION SUMMARY OF COMPLAINTS FOR THE YEAR 1986

New complaints filed for the above period	35
General nature of new complaints filed:	
Failure to Comply with the Law	4
Improper Conduct	12
Biased Decision	11
Failure to Afford Complainant Due Process	4
Alleged outside influence	1
Criminal Charges Pending	1
Questionable Campaign Practices	2
TOTAL	35
Complaints carried over from previous year	5
Total complaints for consideration	40
Disposition of Complaints:	
Dismissed	22
*Suspension/Removal	4
Complaints pending 12/31/86	14
TOTAL	40
Of the new complaints filed in 1985:	
13 were against county judges	
7 were against small claims court judges	
13 was against district court judges	
1 was against a municipal judge	
1 was against a juvenile referee	

Four complaints against one individual resulted in a suspension and subsequent removal.

State Bar Board Annual Report - 1986

The North Dakota State Bar Board was created by statute in 1919. This statute provides for a three-member board comprised of resident, licensed members of the Bar of North Dakota appointed by the Supreme Court. Presently serving as President is John D. Kelly of Fargo, and as members Malcolm H. Brown of Mandan and Gerald D. Galloway of Dickinson. By statute, the Clerk of the Supreme Court, Luella Dunn, is designated ex officio secretary-treasurer of the Board. The administration of the bar examination, preservation of records, collection of attorneys' annual license fees, and issuance of licenses to practice law are done by the ex officio secretary-treasurer. Each year the Bar Board publishes a directory of attorneys and judges.

The State Bar Board, by statute, is charged with the responsibility of the annual licensing of attorneys and judges. An attorney suspended or disbarred by Order of the Supreme Court is not eligible for licensure. In 1986, there were 1,510 attorneys licensed to practice law in North Dakota compared with 1,475 in 1985.

The Board is also charged with the responsibility of examining applicants for admission to the Bar of North Dakota as to their legal ability and character and fitness to practice law. The North Dakota state bar examination consists of the Multistate Bar Examination and the North Dakota Essay Examination. The Multistate Bar Examination covers the subjects of Constitutional Law, Contracts, Criminal Law, Evidence, Torts and Real Property. The North Dakota Essay Examination covers the subjects of Practice and Procedure; Equity; Business Associations; Commercial Transactions; Wills, Estates, and Trusts; and Family Law. The Board offers an examination in February and July of each year. Statistics for the 1986 bar examinations were as follows:

	# Applicants	# Successful % Successful	# UND Grads.	# Successful % Successful
2-86 Exam	18	10/56 %	10	6/60 %
7-86 Exam	70	61/87 %	62	54/87 %

Seventy-three individuals were admitted to the North Dakota Bar in 1986. Four of the seventy-three were admitted on motion, having been admitted and practiced law in another state for five years or more and having met the requirement of having received 45 hours of Continuing Legal Education credits approved or approvable in North Dakota during the three years immediately preceding application for admission.

A significant change regarding licensure of lawyers was made when the North Dakota Supreme Court in November of 1986 adopted as an emergency rule to become effective December 1, 1986, proposed amendments to Rule 5, Admission to Practice Rules. The effect of this rule change is that licensure depends upon the active practice of law and obtaining the required Continuing Legal Education credits. These amendments provide that an attorney who has been previously admitted to the Bar of North Dakota, but has not secured a license for one or more years anytime after the date of admission, shall file an application for licensure with the State Bar Board. Under this Rule, an attorney who has not been licensed for a period of less than two years must meet the requirement of having received 15 hours of Continuing Legal Education credits approved or approvable in North Dakota during the year immediately preceding application. An attorney

who has not been licensed for a period of more than two years but less than three years, must meet the requirement of having received 30 hours of CLE credits during the two years immediately preceding application. And finally, an attorney who has not been licensed for a period of three or more years must meet the requirement of having received 45 hours of CLE during the three years immediately preceding application.

If an attorney submitting application for licensure under Rule 5 has been admitted in any other jurisdiction, he must include with his application certification of admission to practice by the admitting authority in each jurisdiction where the attorney has

been admitted. The attorney's application must also include certification by the attorney disciplinary authority in each jurisdiction where the attorney has been admitted stating there are no prior or pending proceedings of disbarment or suspension of the attorney's license to practice law.

The amendments to Rule 5 also provide that if the State Bar Board determines that an attorney's legal experience during the nonlicensure period does not demonstrate sufficient competency in the practice of law, the Board, in its discretion, shall require the attorney to take an attorney's examination.

Judicial Conference

The North Dakota Judicial Conference was originally established as an arm of the judicial branch of state government in 1927. At that time, the organization was known as the North Dakota Judicial Council. Present statutory language covering the Judicial Conference is found in Chapter 27-15, NDCC, as amended in 1985.

There are currently seventy-one members of the Judicial Conference. As ex officio members, the conference consists of all Supreme Court Justices, District Court Judges, and County Court Judges. Other ex officio members are the Attorney General, the Dean of the University of North Dakota School of Law, and the Clerk of the North Dakota Supreme Court. Other members of the Conference include two judges of the Municipal Courts, as appointed by the Municipal Judges Association, and five members of the North Dakota Bar Association, who are appointed by the Bar Association. All Surrogate Judges, as appointed by the Supreme court under Section 27-17-03, NDCC, are also Conference members.

All ex officio members of the Conference serve during the time they occupy their respective official positions. The term of office of the two Municipal Judges is two years. The term of office for the five members of the bar is five years. Vacancies on the Judicial Conference are filled by the authority originally selecting the members.

The State Court Administrator serves as the Executive Secretary of the Judicial Conference.

The officers of the Judicial Conference consist of the chairman and chairman-elect, who are selected for a term of two years by the members of the Conference. In addition, there is an executive committee consisting of the Chairman, Chairman-elect, a Justice of the Supreme Court elected by the Supreme Court, a District Judge elected by the Association of District Judges, and a County Judge elected by the Association of County Judges.

Under North Dakota law, the Judicial Conference is required to meet twice each year. These meetings are usually held in June and November. Special meetings, however, may be called by the chairman. While members of the Judicial Conference are not compensated for their services, they are reimbursed for their expenses while discharging their Conference duties.

The Judicial Conference has four major duties. They are:

1. Solicit, receive, and evaluate suggestions relating to the improvement of the administration of justice.
2. Consider and make recommendations to the Supreme Court for changes in rules, procedures, or any matter pertaining to the judicial system.
3. Coordinate continuing judicial education efforts for judges and support staff.
4. Establish methods for review of proposed legislation which may affect the operation of the judicial branch.

To support the activities of the full conference, there has been created by Conference bylaws the following standing committees:

1. Program Planning Committee, Judge William Neumann, Chairman
2. Committee on Legislation, Judge Dennis Schneider, Chairman
3. Committee on Judicial Salary and Retirement, Justice H.F. Gierke, Chairman
4. Committee on Courts with Limited Jurisdiction, Judge Harold B. Herseth, Chairman
5. Committee on Judicial Training, Judge Larry Hatch, Chairman

The conference has also created a special committee known as the Judicial Immunity Committee chaired by District Judge Kirk Smith and the Jury Management Committee, chaired by District Judge Jon Kerian.

Committee membership results from appointment by the chairman after consultation with the executive committee of the Judicial Conference. The bylaws provide that non-conference members can serve on either standing or special committees.

For 1986, the officers and executive committee of the Judicial Conference are as follows:

- Justice Gerald W. VandeWalle, Chairman
- Judge William A. Neumann, Chairman-elect
- Justice H.F. Gierke, Executive Committee
- Judge Dennis A. Schneider, Executive Committee
- Judge Harold B. Herseth, Executive Committee

North Dakota Judicial Conference

JUSTICES OF THE SUPREME COURT

Ralph J. Erickstad, Chief Justice, Bismarck
Gerald W. VandeWalle, Justice, Bismarck
Beryl J. Levine, Justice, Bismarck
H. F. Gierke III, Justice, Bismarck
Herbert L. Meschke, Justice, Bismarck

JUDGES OF THE DISTRICT COURTS

NORTHWEST JUDICIAL DISTRICT

*Wallace D. Berning, Minot
Everett Nels Olson, Minot
Jon R. Kerian, Minot
Wm. M. Beede, Williston
Bert L. Wilson, Williston

NORTHEAST JUDICIAL DISTRICT

*James H. O'Keefe, Grafton
Lee A. Christofferson, Devils Lake
Wm. A. Neumann, Rugby

NORTHEAST CENTRAL JUDICIAL DISTRICT

*A. C. Bakken, Grand Forks
Kirk Smith, Grand Forks
Joel D. Medd, Grand Forks

EAST CENTRAL JUDICIAL DISTRICT

*Norman J. Backes, Fargo
John O. Garaas, Fargo
Lawrence A. Leclerc, Fargo
Michael O. McGuire, Fargo

SOUTHEAST JUDICIAL DISTRICT

*Robert L. Eckert, Wahpeton
John T. Paulson, Valley City
Gordon O. Hoberg, Jamestown

SOUTH CENTRAL JUDICIAL DISTRICT

*Benny A. Graff, Bismarck
Gerald G. Glaser, Bismarck
Dennis A. Schneider, Bismarck
Wm. F. Hodny, Mandan
Larry M. Hatch, Linton

SOUTHWEST JUDICIAL DISTRICT

*Maurice R. Hunke, Dickinson
Allan L. Schmalenberger, Dickinson
Donald L. Jorgensen, Hettinger

JUDGES OF THE COUNTY COURTS

James M. Bekken, New Rockford
Tom W. Beyer, Dickinson
Donald Cooke, Fargo
Donavan J. Foughty, Devils Lake
M. Richard Geiger, Grafton
Donavin L. Grenz, Linton
F. Gene Gruber, Hettinger
Gail Hagerty, Bismarck
Harold B. Herseth, Jamestown
Ronald L. Hilden, Dickinson
Robert W. Holte, Stanley
Gary A. Holum, Minot
Lester S. Ketterling, Bottineau
Frank Kosanda, Grand Forks

Bayard Lewis, Wahpeton
John C. McClintock, Rugby
Wm. W. McLees, Jr., Watford City
Thomas Metelmann, Cavalier
Gary D. Neuharth, Ellendale
Burt L. Riskedahl, Bismarck
Cynthia Rothe, Fargo
Thomas J. Schneider, Mandan
Orville A. Schulz, Washburn
Mikal Simonson, Valley City
Gordon Thompson, Williston
Lowell O. Tjon, Lisbon
Jonel Holt Uglem, Hillsboro

JUDGES OF THE MUNICIPAL COURTS

Marian Schatz, Beach

Andrew Henning, Stanley

SURROGATE JUDGES OF THE SUPREME AND DISTRICT COURTS

Wm. L. Paulson, Detroit Lakes, MN
Vernon R. Pederson, Bismarck

Eugene A. Burdick, Williston
Roy A. Ilvedson, Minot
Douglas B. Heen, Devils Lake

ATTORNEY GENERAL

Nicholas J. Spaeth, Bismarck

CLERK OF SUPREME COURT

Luella Dunn

UND SCHOOL OF LAW

Jeremy Davis, Dean, Grand Forks

MEMBERS OF THE BAR

J. Philip Johnson, Fargo
Patrick J. Maddock, Grand Forks
Walfrid B. Hankla, Minot

Charles A. Feste, Fargo
Paul G. Kloster, Dickinson

EXECUTIVE SECRETARY

William G. Bohn

*Denotes Presiding Judge
73 Members

Effective 1/1/87

JUDICIAL BRANCH
Bismarck, North Dakota
COMBINING STATEMENT OF REVENUES, EXPENSE AND CHANGES IN FUND BALANCES --
ALL GOVERNMENTAL FUND TYPES
June 30, 1985 and 1984

	Supreme Court		District Court		Judicial Qualifications		
	1985	1984	1985	1984	1985	1984	1984
REVENUE:							
Auxiliary Service Fees	\$ 12,550	\$ 11,050			\$ 12,550	\$ 11,050	\$ 11,050
Book Library Fees	2,115	1,841			2,115	1,841	1,841
Sale of Publications	4,319	4,677			4,319	4,677	4,677
Indirect Cost Recoveries							
Copier Fees			\$ 404	\$ 517		\$ 350	867
Recoupments			861	2,747		861	2,747
State Bar Association Assess.			35,482	26,945			26,945
ALI-ABA Grant					\$ 25,000	25,092	25,092
Federal Grants	11,674	6,594				10,000	10,000
Miscellaneous	249	49				10	59
Total Revenue	\$ 30,907	\$ 24,211	\$ 36,747	\$ 30,209	\$ 25,000	\$ 35,452	\$ 89,872
EXPENDITURES:							
Salaries and Wages	\$ 1,483,685	\$ 1,393,057	\$ 4,509,178	\$ 4,211,075	\$ 62,851	\$ 55,073	\$ 5,659,205
Retirement Salaries and Wages	74,502	51,231	234,011	225,848			308,513
Operating Expenses	374,253	338,266	1,584,947	1,618,545	37,734	29,809	1,996,934
Data Processing	34,460	27,036	7,234	1,155			41,694
Furniture & Equipment	20,890	40,904	152,719	65,322	832	9,835	28,191
Total Expenditures	\$ 1,987,790	\$ 1,850,494	\$ 6,488,089	\$ 6,121,945	\$ 101,417	\$ 94,717	\$ 8,067,156
OTHER FINANCIAL SOURCES (USES):							
Transfers to State General Fund	\$ (19,233)		\$ (136,746)	\$ (30,209)			\$ (55,979)
Transfers from State General Fund	1,949,236	\$ 1,826,283	6,488,088	6,121,945	\$ 76,417	\$ 59,265	8,513,741
Transfer from State Contingency Fund	26,880						26,880
Total Other Financing Sources (Uses)	\$ 1,956,883	\$ 1,826,283	\$ 6,451,342	\$ 6,091,736	\$ 76,417	\$ 59,265	\$ 8,484,642
							\$ 7,977,284

JUDICIAL BRANCH
Bismarek, North Dakota
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES --
EXPENDABLE TRUST FUNDS
June 30, 1985 and 1984

	Judges Retirement		6-State Judicial Council		Total	
	1985	1984	1985	1984	1985	1984
REVENUE:						
Judges Retirement Assessments	\$ 10,182	\$ 10,517			\$ 10,182	\$ 10,517
Interest Income			\$ 226	\$ 108	226	108
Registration Fees				17,007		17,007
Total Revenue	\$ 10,182	\$ 10,517	\$ 226	\$ 17,115	\$ 10,408	\$ 27,632
EXPENDITURES:						
Judges Retirement Benefits						
Payments	\$ 41,466	\$ 44,874		\$ 16,956	\$ 41,466	\$ 44,874
Operating Expenses						16,956
Total Expenditures	\$ 41,466	\$ 44,874	\$ -0-	\$ 16,956	\$ 41,466	\$ 61,830
Excess of Revenue and other sources over (under)						
Expenditures	\$ (31,284)	\$ (34,357)	\$ 226	\$ 159	\$ (31,058)	\$ (34,198)
Fund Balance - July 1	\$ 209,599	\$ 243,956	\$ 2,152	\$ 1,993	\$ 211,751	\$ 245,949
Fund Balance - June 30	\$ 178,315	\$ 209,599	\$ 2,378	\$ 2,152	\$ 180,693	\$ 211,751